

EXHIBIT F



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Transcript of Joseph M. Grill

Date: February 15, 2023

Case: Community Counseling & Mediation Services -v- Oxford Realty & Holdings
LLC

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Transcript of Joseph M. Grill

1 (1 to 4)

February 15, 2023

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 C.C.M.S. d/b/a COMMUNITY
5 COUNSELING AND MEDIATION
6 SERVICES, Civil Action No.
7 Plaintiff,
8 v.
9 OXFORD REALTY & HOLDINGS LLC,
10 WEST 27TH STREET REALTY, INC.,
11 MARC PATURET, JOSEPH GRILL,
12 MAXIME TOUTON, F. MICHAEL
CONTE, NIGEL SHAMASH, and
other similarly situated
BOARD MEMBERS OF WEST 27th
STREET REALTY, INC.,
13 Defendants.
14 -----x
15
16 DEPOSITION OF:
17 JOSEPH M. GRILL
18 Conducted Virtually
19 Wednesday, February 15, 2023
20 10:00 a.m. EST
21
22
23 Job No. 481380
24 Pages 1 - 124
25 Reported by: Nancy C. Bendish, CCR, RMR, CRR

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1 A P P E A R A N C E S:
2 (All participated remotely via
Zoom Videoconference)
3
4 ON BEHALF OF PLAINTIFF CCMS d/b/a COMMUNITY
5 COUNSELING AND MEDIATION SERVICES:
6
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10 ON BEHALF OF DEFENDANTS 27TH STREET REALTY,
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F. MICHAEL CONTE:
12
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18
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22
23 ALSO PRESENT:
24 JOHN GUGARTY, Planet Depos Technician
25

1 J O S E P H M. G R I L L, having been duly
2 sworn, testified as follows:
3 THE REPORTER: Please state your
4 full name for the record.
5 THE WITNESS: Joseph Michael
Grill.
7 THE REPORTER: And where are you
8 presently located?
9 THE WITNESS: My physical location
10 right now?
11 THE REPORTER: Yes.
12 THE WITNESS: In my office at 129
13 West 27th Street, New York City, New York,
14 10001.
15 - - -
16 EXAMINATION BY MS. TURNER:
17 Q. Good morning, Mr. Grill. My name
18 is Tara Turner and I'm going to be taking your
19 deposition today.
20 A. **Good morning.**
21 Q. Good morning.
22 I represent the plaintiff in this
23 action, Community Counseling and Mediation
24 Services. Right now I'm just going to go over
25 some background information and just general

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<p>1 rules that we should both try to follow. 2 Today we're essentially going to 3 have a conversation, but in question and answer 4 form. I ask that you answer each of my 5 questions truthfully and to the best of your 6 knowledge.</p> <p>7 Before answering, please wait 8 until I finish asking the question completely, 9 because it is difficult for the court reporter 10 to capture simultaneous conversation.</p> <p>11 If you do not understand a 12 question, please ask me to repeat or rephrase, 13 and I'll be happy to do so. Your answers must 14 also be audible, so please say yes or no. The 15 transcript won't pick up any head nods or other 16 gestures.</p> <p>17 And just to go over some 18 definitions for you, I mentioned that I 19 represent Community Counseling and Mediation 20 Services. I may refer to them throughout the 21 deposition as CCMS. Do you understand what that 22 means?</p> <p>23 A. Yes.</p> <p>24 Q. Thank you.</p> <p>25 I may also refer to the defendants</p>	<p>5</p> <p>1 A. I do.</p> <p>2 Q. Are you suffering from any medical 3 conditions, mental or physical, that would 4 prevent you from testifying fully and truthfully 5 today?</p> <p>6 A. No.</p> <p>7 Q. And are you taking any medications 8 or substances that would prevent you from 9 testifying fully and truthfully today or would 10 otherwise affect your recollection?</p> <p>11 A. No.</p> <p>12 Q. Thank you.</p> <p>13 Is there anything else I should be 14 aware of that would prevent you from testifying 15 fully and truthfully today?</p> <p>16 A. I may ask you to repeat questions, 17 since I am fully deaf in one ear, and I have 18 hearing aids that, with electronic media, 19 sometimes don't come in clearly. So I have 20 limited hearing in my right ear and total deaf 21 in my left.</p> <p>22 Q. Understood. Thank you for letting 23 me know, Mr. Grill, and I will try to speak 24 slowly and loudly to avoid any disruptions.</p> <p>25 Mr. Grill, do you understand that</p>
<p>1 in this matter, which include yourself, Joseph 2 Grill, West 27th Street Realty, Inc., Marc 3 Paturet, Maxime Touton and Michael Conte. If I 4 refer to all defendants, I will use the term 5 "defendants" or "the co-op." And if I refer 6 more specifically to individual board members, I 7 will use their names. Do you understand?</p> <p>8 A. Yes.</p> <p>9 Q. Thank you.</p> <p>10 If you need a break for any 11 reason, please let me know. I just ask that you 12 don't take a break while a question is pending.</p> <p>13 Finally, Mr. Grill, we're going to 14 be discussing some topics today related to race 15 and ethnicity. I don't mean these questions to 16 be insensitive, and certainly if you don't know 17 the race or ethnicity of an individual, please 18 say that you don't know.</p> <p>19 Mr. Grill, do you understand that 20 you are now under oath?</p> <p>21 A. I do.</p> <p>22 Q. And do you understand that the 23 testimony you are about to give has the same 24 force and effect as if you were testifying in a 25 courtroom?</p>	<p>6</p> <p>1 the parties agreed to conduct this deposition by 2 remote means?</p> <p>3 A. Excuse me, say that. Could you 4 repeat.</p> <p>5 Q. Do you understand that the parties 6 agreed to conduct the deposition by remote means 7 over the --</p> <p>8 A. Yes. Yes, ma'am.</p> <p>9 Q. And you understand that the court 10 in this action so ordered your deposition for a 11 total of three hours of testimony?</p> <p>12 A. Yes.</p> <p>13 Q. Before we jump in, Mr. Grill, 14 attending the deposition with us is John from 15 Planet Depos, and earlier he put up a test 16 exhibit. I may ask John to show exhibits on the 17 screen; so I just wanted to give you that heads 18 up.</p> <p>19 A. Okay.</p> <p>20 Q. Mr. Grill, have you ever been 21 deposed before?</p> <p>22 A. Yes, I have.</p> <p>23 Q. When were you -- when have you 24 been deposed?</p> <p>25 A. I was deposed about a year ago in</p>

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	9		11
1 a case of which I was not a party to but was a 2 witness in, of a partner of mine in Miami that 3 was in a business dispute. And I was deposed 4 about 20 years ago in a case in which my company 5 and a number of other model agencies were sued 6 in -- I think it was in the year 2000, 21, 22 7 years ago.		1 price, what they claimed to be price fixing on 2 models' commissions.	
8 Q. Starting with the deposition that 9 was a year ago in Miami, do you recall what 10 action that was in connection with?		3 Q. At your deposition for that 4 action, what subjects did you testify about?	
11 A. No. It was a business dispute 12 that my business partner was in with a lender, 13 and because I was on an email chain they asked 14 to take my deposition.		5 A. My expertise in the model 6 business.	
15 Q. And can you just describe the 16 business dispute between your partner and the 17 lender?		7 Q. Were you an expert in that action?	
18 A. Yeah.		8 A. I don't recall if I was an expert, 9 but I was the principal of one of the agencies, 10 Click, that was a defendant in the action.	
19 MR. MARGOLIS: Objection. You can 20 answer.		11 Q. Understood. And I'm going to back 12 up to the deposition that was a year ago. You 13 mentioned you testified regarding transfer of 14 property?	
21 THE WITNESS: I can?		15 A. Yeah. I didn't testify as to the 16 transfer of the property, but as to being on the 17 email chain of the transfers that my partner did 18 with her wife that occurred after a period of 19 time of the action that they were involved.	
22 MR. MARGOLIS: Yes.		20 Q. And do you recall what the 21 property was or where it was located?	
23 A. Okay. It was a, I believe it was 24 about an interest rate that a lender was 25 charging for a building construction loan that		22 A. No. Well, it was in Miami.	
10		23 Q. Thank you. 24 Besides the two depositions that 25 you mentioned, have you ever given testimony in	
1 my partner had been involved in, and I was not 2 part of that transaction at all.		12	
3 Q. And what subjects did you testify 4 about in that deposition?		1 connection with an arbitration or mediation?	
5 A. I testified about the change of 6 the marital status for my partner, who had 7 married her partner and transferred, during that 8 interim period of time that they were in a 9 dispute, her ownership of a property that we 10 owned together into a limited family trust.		2 A. No.	
11 Q. Okay. The deposition that was 12 roughly 20 years ago, do you recall what action 13 that was?		3 Q. And besides the two depositions, 4 have you ever given testimony at trial in a 5 case?	
14 A. I don't recall the name of it.		6 A. At trial?	
15 Q. Do you recall what court the 16 action was in?		7 Q. Yes.	
17 A. Yes, ma'am. It was in Federal 18 Court in New York. I don't remember the name of 19 the case.		8 A. No.	
20 Q. And can you describe the 21 circumstances of that action?		9 Q. Thank you.	
22 A. Yes. A number of fashion models 23 sued ten of the biggest model agencies in the 24 country, and some of them were the biggest ones 25 in the world, for an antitrust violation of		10 Mr. Grill, what did you do, if 11 anything, to prepare for today's deposition?	
		12 A. I spoke to my attorney for a 13 little while, who --	
		14 MR. MARGOLIS: Objection. You 15 don't have to discuss what it is that we did in 16 that discussion. But other than that, you could 17 share with Ms. Turner if there was anything else 18 that you did.	
		19 A. Yeah. I reviewed a transcript of 20 Michael Conte, and I skimmed through a 21 transcript of, I think, Nigel Shamash. I'm not 22 sure how he pronounces his last name. Shamash, 23 I think.	
		24 Q. Thank you.	
		25 Again, I don't want to know about	

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1 any specific conversations you had with the 2 attorney, but about how long did you meet with 3 your attorney to prepare?		1 somewhere in Poland, I believe. 2 Q. Would you self-identify as 3 Caucasian? 4 MR. MARGOLIS: Objection.	
4 A. Approximately an hour and a half. 5 Q. Thank you. Did anyone else 6 participate in that call or meeting?		5 A. Are you asking me what I identify 6 as? 7 Q. Yes. 8 A. A person. 9 Q. You don't identify with any race	
7 A. Could you repeat that? 8 Q. Did anyone else participate in the 9 call or meeting you had with your attorney?		10 or ethnicity? 11 A. Well, I'm white. 12 Q. Thank you.	
10 A. No. 11 Q. Other than your attorney, did you 12 meet or speak with anyone else in preparation 13 for today's deposition?		13 Can you please describe your 14 educational history? 15 A. Well, I went to P.S. 150 Queens, 16 in Sunnyside Queens. I went to Woodside Junior 17 High School, 125 in Woodside. I went to William 18 Cullen Bryant High School in Astoria; and I went 19 to Hunter College of the City of New York in 20 Manhattan.	
14 A. No. 15 Q. Mr. Grill, do you have any 16 materials in front of you right now?		21 Q. Thank you. And what's your 22 current occupation?	
17 A. I have my cell phone and I have a 18 yellow pad, and I have a pencil. 19 Q. Thank you. And is anyone else in 20 the room with you?		23 A. I oversee the operations of a 24 model agency and of a talent agency, talent 25 management firm.	
21 A. No. 22 Q. Thank you. 23 Mr. Grill, have you met or spoken 24 with counsel for defendant Marc Paturet, who is 25 Michael Case on the call with us?	14		16
1 A. No. 2 Q. And have you spoken with any of 3 the individual board members, including Marc 4 Paturet, Michael Conte, Maxime Touton, about 5 today's deposition?		1 Q. What's the name of the model 2 agency and talent management firm? 3 A. The model agency is named Click, 4 C-l-i-c-k, Model Management, Inc.; and the 5 theatrical management company is Framework 6 Entertainment, Inc. 7 Q. And what is your position at each 8 of those companies?	
6 A. No. 7 Q. Did you speak with Peter Lehr or 8 anyone from Kaled Management about today's 9 deposition?		9 A. I'm the president of each of those 10 companies. 11 Q. Thank you. 12 What did you do before you became 13 president of both of those companies?	
10 A. No. 11 Q. And did you speak with Nigel 12 Shamash or Saul Tawil?		14 MR. MARGOLIS: Objection. 15 A. When before? 16 Q. Before you became president. So 17 starting with your first job before you became 18 president of Click Model Management.	
13 A. It's a tricky one. 14 No. 15 Q. Thank you. 16 Mr. Grill, I'm just going to ask 17 you some simple questions about your background, 18 education and employment. 19 Can you please describe your race 20 and ethnicity for the record.		19 A. My first job was I was a messenger 20 that delivered EBTs to law firms all over the 21 city. But then I graduated from high school and 22 I got another job. I'm not sure what your time 23 frame that you're looking for is. If you could 24 be more specific, it would be helpful. 25 Q. Sure. I'm working backwards from	
21 A. Human, and I don't know what 22 ethnicity. One grandparent was born in Odessa, 23 Russia, one was born in La Blanc (phonetic), 24 Poland, one was born on the Austrian border, and 25 one went up, not sure where she was born, but			

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1 when you became president. We'll focus on Click 2 Model first.		1 the top floor of 129 West 27th Street? 2 A. Since 1990 -- April, I think it 3 was April 1996.	
3 Working backwards, what was your 4 job immediately before you became president of 5 Click Model?		4 Q. And 129 West 27th Street is the 5 same building that is the subject of this 6 action, correct?	
6 A. I was vice president.		7 A. Yes.	
7 Q. And what was your position before 8 you were a vice president at Click Model?		8 Q. Can you describe 129 West 27th 9 Street for me, the logistical layout?	
9 A. I oversaw the business affairs of 10 the company.		10 MR. MARGOLIS: Objection.	
11 Q. And when did you become president?		11 A. It's a 12-story, middle-of-the- 12 block structure. I would say the floors are 13 somewhere between 5500 and 6,000 square feet. 14 Two elevators, a roof and a basement. I don't 15 know...	
12 A. When my mother died.		16 Q. Thank you.	
13 Q. Do you know what year that was?		17 Going forward, if I refer to 129 18 West 27th Street, and I'm referring to the whole 19 building, I may say "the building."	
14 A. 2021. No, I'm wrong. 2019. My 15 father died in 2021.		20 A. Understood.	
16 Q. Thank you.		21 Q. Mr. Grill, how often do you visit 22 the building?	
17 When did you become vice 18 president?		22 MR. MARGOLIS: Objection.	
19 A. From the start of the company.		23 A. It depends. I'm in different 24 locations, so when I'm in New York City I visit	
20 Q. And when was the company formed?	18		20
21 A. August 12, 1980.		1 it anywhere between four and five days a week, 2 but I may very well work from home. I travel, 3 so I'm in and out.	
22 Q. So, is it fair to say that from 23 roughly 1980 until now you've been working at 24 Click Models as either a vice president or 25 president?		4 Q. Understood. And how often are you 5 in New York City, if you could give a percentage 6 of the year?	
1 A. That is correct.		7 A. 70 percent.	
2 Q. And what about the talent 3 management company; when did you become 4 president of that company?		8 Q. And when you do visit the 9 building, how long do you typically stay?	
5 A. Probably somewhere around 2006, 6 yeah, when we started it.		10 A. It's varied. There's no typical 11 time.	
7 Q. And did you have another role at 8 the talent management company before you --		12 Q. Understood. Would you say that 13 you typically stay more than one to two hours?	
9 A. No. No.		14 MR. MARGOLIS: Objection.	
10 Q. Where are the offices located for 11 Click Models?		15 A. I may stay two hours, I may stay 16 two minutes, I may stay six hours. It varies.	
12 A. 129 West 27th Street, New York 13 City, New York, 10001, 12th floor.		17 Q. Okay. Thinking back to when the 18 COVID-19 pandemic began in March 2020, prior to 19 that time were you visiting the building about 20 the same number of times per week?	
14 Q. Thank you. And what about the 15 talent management company; is that operated from 16 the same location?		21 A. Prior to COVID?	
17 A. It is.		22 Q. Yes.	
18 Q. Thank you. And just to keep 19 things simple, going forward if I refer to Click 20 Models, I'm referring to both the model 21 management and the talent management companies, 22 but I think that will just simplify it going 23 forward.		23 A. Yes, I would say that that's a 24 fair synopsis.	
24 A. Understood.		25 Q. As we sit here today, besides your	
25 Q. How long has Click Models occupied			

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1 floor, which is the 12th floor, can you identify 2 the individuals or entities that occupy the 3 remaining floors?		1 Q. Thank you. And your role as a 2 board member, how long have you been a board 3 member of the commercial co-op?	
4 A. I could try.		4 A. I don't remember.	
5 Q. Okay.		5 Q. Would you say you've been a board 6 member for more than five years?	
6 A. Are you asking me to?		7 MR. MARGOLIS: Objection.	
7 Q. Yes, please.		8 A. I've been a board -- sorry. I've 9 been a board member on and off at different 10 periods of time. So, could you repeat the 11 question, please.	
8 A. Okay. Hand Held Films has the 9 ground floor, street level and the basement open 10 areas. The second floor is an artist by the 11 name of Donald Baechler who passed away fairly 12 recently, although I don't know the date and I 13 don't know who his heirs are or what provisions 14 were made for the floor.		12 Q. Would you say that you have been a 13 board member for more than five years total?	
15 The third floor is also Hand Held 16 Films at this point. 4 and 5 is a structural 17 engineering firm. They may have architects 18 also. That's 4 and 5. 6 is an insurance 19 company, something Conte Pelliigrino or something 20 like that, but it's an insurance agency. 7 and 21 8 are empty, as far as I know. 9 and 10 are a 22 wine import/export firm, Touton Limited. 11 was 23 purchased by Touton but I believe it's being 24 renovated now. I don't believe it's occupied. 25 And 12 is myself.		14 A. Yes.	
	22		
1 Q. Thank you.		15 Q. So, when were you elected for your 16 most recent position as board member?	
2 You mentioned that the seventh and 3 eighth floors, to your knowledge, are currently 4 empty. Do you know who owns those floors?		17 A. I believe it was at the last 18 annual meeting, which would have been a year 19 ago.	
5 A. I don't know specifically who the 6 actual owner is. I think it's something called 7 Oxford Realty, but I refer to it as Shamash's 8 floors, Nigel and his father, I think he may 9 have another partner who I don't know.		20 Q. And prior to that, when was the 21 last time you were elected as a board member?	
10 Q. And the building is organized as a 11 co-op, correct?		22 A. I don't recall whether or not we 23 held an election for board members during COVID 24 or we just kept the same board members because 25 most of us were not -- well, I shouldn't say	
12 A. As a commercial co-op, yes.			
13 Q. And what is your role in 14 connection with the commercial co-op?			
15 A. I am a tenant with a proprietary 16 lease. I am on the Board of Directors. I own 17 shares of the co-op; and I am, I believe I'm an 18 officer of the corporation.			
19 Q. Starting with your role as a 20 tenant, have you been a tenant since I believe 21 it was 1996?			
22 A. I purchased the floor in 1996. I 23 renovated it and we moved in a year later in I 24 think April 20-something, 1997, and we remained 25 here ever since.			
	24		
1 most of us -- I certainly wasn't in New York 2 nearly as much as I had been prior to that.			
3 Q. Understood.			
4 So, you're currently a board 5 member of the commercial co-op, correct?			
6 A. Correct.			
7 Q. And you served as a board member 8 in 2022?			
9 A. Yes, I did.			
10 Q. Did you serve as that board member 11 in 2021?			
12 A. Yes, I did.			
13 Q. Did you serve as a board member in 14 2020?			
15 A. I believe I did.			
16 Q. Did you serve as a board member in 17 2019?			
18 A. I believe I did.			
19 Q. I'm going to keep going through 20 the years.			
21 A. Okay.			
22 Q. Is there a time prior to 2019 23 where you did not serve as a board member?			
24 A. Prior to 2019?			
25 Q. Yes.			

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1 A. Yes, there were years that I was 2 not a board member.		1 A. No.	
3 Q. Did you serve as a board member in 4 2018?		2 Q. Are board members of the 3 commercial co-op elected during a certain time 4 of the year?	
5 A. I don't recall.		5 MR. MARGOLIS: Objection.	
6 Q. Did you serve as a board member in 7 2017?		6 A. They're nominated and confirmed by 7 the member -- the shareholders of the 8 corporation.	
8 A. I don't recall.		9 Q. Does that occur at the same time 10 every year?	
9 Q. Having served as a board member on 10 and off, would you say that you served as a 11 board member for more than ten years total?		11 A. Reasonably around the same time.	
12 MR. MARGOLIS: Objection.		12 Q. And what month does that typically 13 occur in?	
13 A. For more than ten years total, is 14 that what you asked?		14 A. Well, it changes because we're all 15 busy and travel and we have different schedules. 16 But I would say somewhere between January 21 and 17 March 30.	
15 Q. Yes.		18 Q. Thank you.	
16 A. Do we have a frozen screen?		19 A. In the first quarter of the year.	
17 Q. I said yes. Did you hear me?		20 Q. Thank you.	
18 A. No, I did not. You were offline 19 for that moment.		21 And you mentioned that you -- 22 correct me if I'm misstating -- but do you -- 23 actually, strike that.	
20 Q. Oh, I'm sorry.		24 Do you recall if board members 25 were re-elected in 2021?	
21 A. Yeah, could you repeat the 22 question. The screen went blank and your audio 23 disappeared.			
24 MS. TURNER: Nancy, if you picked 25 up my audio, could you reread the question for			
	26		28
1 Mr. Grill.		1 MR. MARGOLIS: Objection.	
2 (The following question was read: 3 "Having served as a board member on and off, 4 would you say that you served as a board member 5 for more than ten years total?"		2 A. I don't recall.	
6 A. Yes, I would say that I 7 cumulatively have served ten years or more.		3 Q. Do you recall if board members 4 were elected in 2020?	
8 Q. Thank you.		5 A. No, I don't recall.	
9 Have you cumulatively served as a 10 board member for more than 15 years?		6 Q. And who are the current board 7 members of the commercial co-op for the 8 building?	
11 A. I don't know.		9 A. I believe they are currently 10 myself, Michael Conte, Marc Paturet, and Maxime 11 Touton.	
12 Q. Did you serve as a board member in 13 2016?		12 Q. Could you just repeat that name 13 for me, please.	
14 A. I can't recall.		14 A. Sure. Maxime Touton, I believe is 15 how his name is pronounced. Marc, who owns Hand 16 Held Films, myself, and Michael Conte.	
15 Q. Did you serve as a board member in 16 2015?		17 Q. Thank you.	
17 A. I don't know.		18 How long has Michael Conte been a 19 board member?	
18 Q. What was the first year that you 19 served as a board member, if you recall?		20 A. I don't know exactly.	
20 A. I don't recall the first year.		21 Q. Has he been a board member for 22 more than five years?	
21 Q. Did you serve as a board member 22 when you purchased the 12th floor in 1996?		23 A. Probably.	
23 A. No.		24 Q. How long has, and apologies if I'm 25 mispronouncing, but Maxime Touton, how long has	
24 Q. Did you serve as a board member 25 when you moved into the 12th floor in 1997?			

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	29		31
1 he been a board member?		1 race refers to --	
2 A. We're talking about Marc? Talking		2 MR. MARGOLIS: Objection.	
3 about Hand Held Films?		3 Q. -- when we use it in this context?	
4 Q. Sure, we're talking about Marc.		4 MR. MARGOLIS: Objection.	
5 A. Okay. He's been a board member on		5 A. Could you rephrase the question.	
6 and off also; it hasn't been a consistent period		6 I'm not sure how you answer that, how I answer	
7 of time, since he travels quite often. He's		7 that question.	
8 relatively new in the building, all things		8 Q. Sure. When I ask you for the race	
9 considered. So I don't know when he actually		9 of an individual, what do you think I mean by	
10 joined the board.		10 race?	
11 Q. Would you say that he's been a		11 A. I don't know what you mean by	
12 board member cumulatively for more than five		12 race. I know what I mean by race.	
13 years?		13 Q. Do you know that this action	
14 A. I don't know.		14 involves a claim of racial discrimination?	
15 Q. And then the last board member,		15 A. I heard that, yes.	
16 Maxime Touton; is that how you pronounce it?		16 Q. Do you know what racial	
17 A. Touton.		17 discrimination is?	
18 Q. Mr. Touton, how long has he been a		18 A. I do.	
19 board member?		19 Q. Can you describe what you believe	
20 A. I don't know how long Max has been		20 racial discrimination is in your own words?	
21 a board member, but there's been a member from		21 A. I believe that racial	
22 Touton for a long period of time.		22 discrimination is characterizing human beings by	
23 Q. Would you say that there's been a		23 differences in their skin color and their	
24 board member from Touton Limited for more than		24 attitude and where they come from, things like	
25 ten years cumulatively?		25 that.	
	30		32
1 A. I don't know about Max, but there		1 Q. So when I refer to race, do you	
2 has been a member of Touton as a board member		2 understand that I'm referring to skin color?	
3 for in excess of ten years.		3 MR. MARGOLIS: Objection, vague.	
4 Q. Thank you.		4 A. No, I don't understand that unless	
5 Can you identify the race and		5 you specify it.	
6 ethnicity of each of the existing board members?		6 Q. Okay.	
7 A. Again, human, for race. And		7 A. I identify as human. All people	
8 ethnicity, no.		8 are human beings, a member of the same human	
9 Q. With regards to race, do you know		9 race.	
10 if Mr. Conte identifies as White or Caucasian?		10 Q. Understood. Do you understand if	
11 A. I have no idea.		11 I was asking for someone's species, that that	
12 Q. Do you know if Mr. Touton		12 would be human?	
13 identifies as White or Caucasian?		13 MR. MARGOLIS: Objection.	
14 A. I do not.		14 A. I don't know what you're referring	
15 Q. And do you know if Marc from Hand		15 to.	
16 Held Films identifies as White or Caucasian?		16 Q. Does Mr. Conte present as a white	
17 A. I never had a conversation with		17 man?	
18 anybody about how they identify; so the answer		18 MR. MARGOLIS: Objection.	
19 is no. Marc also.		19 A. He projects as a man. His skin	
20 Q. What do you mean when you say that		20 color is, on the spectrum of skin colors, is to	
21 their race is human?		21 the lighter side of the spectrum of skin color.	
22 A. Each one of the board members is a		22 I don't know what he identifies as, himself.	
23 member of the human race, so that's how I see		23 Q. Would it be inaccurate to say that	
24 them.		24 Mr. Conte is black?	
25 Q. Do you -- what do you believe that		25 MR. MARGOLIS: Objection.	

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1 A. You know, if I was blind, the 2 answer would be probably, but I wouldn't know. 3 You know what, I'm not sure what you're trying 4 to get at. Can you be more specific and just 5 say what you want to say? Maybe I could get you 6 an answer that might make more sense to you.		1 Q. And how many board members were 2 there in 2020? 3 A. I believe there were five. 4 Q. Were they the same individuals as 5 were board members in 2021? 6 A. I think they were. 7 Q. And who is currently the board 8 president?	
7 Q. I'm just asking if you know the 8 race of the other board members. I'm not asking 9 for the species, which would be human. And I'm 10 also trying to establish that through your own 11 eyes you can recognize that none of the board 12 members are black.		9 A. Marc from Hand Held Films. 10 Q. How long had Marc been board 11 president in a consistent -- simultaneous? 12 A. I would say three years, possibly. 13 Q. Was Marc board president in 2020? 14 A. I don't remember. 15 Q. Was Marc board president in 2021? 16 A. Yes. 17 Q. Have you ever been board 18 president?	
13 A. I don't know that to be the case. 14 Q. Have there always been four board 15 members of the commercial co-op?		19 A. Yes. 20 Q. When were you board president? 21 A. A long time ago. We're in 2023. 22 I don't know the exact dates; somewhere in 23 probably 2012, 2014. 24 Q. What were your responsibilities 25 when you were board president?	
16 A. No. 17 Q. When was the last time there were 18 more or less than four board members? 19 A. Probably in 2021. 20 MR. MARGOLIS: There's somebody in 21 the background someplace. I don't know where 22 that is. 23 THE WITNESS: Not mine. 24 MS. TURNER: It's not me. 25 MR. MARGOLIS: Anybody else	34	26 A. To open the annual meeting and 27 close the annual meeting. I was also a 28 signatory on a refi of a mortgage that the 29 building did. I don't remember the year. 30 Q. Were there any other 31 responsibilities as board president that are 32 different from being a board member? 33 A. No. 34 Q. What are your responsibilities as 35 a board member of a commercial co-op? 36 A. To oversee the finances of the 37 building, to make sure that it's running in a 38 very clean operating way, to protect the 39 interests of all the shareholders as best as you 40 can, and to meet once a year to discuss and 41 review the quality of repairs and maintenance 42 that are being done. 43 Q. Do board members have any 44 responsibilities in connection with sublease 45 applicants? 46 A. Yes. 47 Q. And what are board members' 48 responsibilities for subleasing at the building? 49 A. To review applications for -- or 50 an application for a sublease, and to meet with	36
1 hearing it? 2 THE REPORTER: Yes. 3 MR. MARGOLIS: Nancy, you hear it? 4 THE REPORTER: It was coming from 5 Mr. Case, I believe, his background. 6 MR. MARGOLIS: Mr. Case... 7 THE REPORTER: Sorry to rat. 8 MR. MARGOLIS: You ratted him out. 9 THE REPORTER: I did. 10 MR. MARGOLIS: Sorry, Michael. 11 All right. Sorry for the 12 interruption. I just wanted to make sure that 13 it wasn't interfering with anything. 14 MS. TURNER: Thank you. 15 BY MS. TURNER: 16 Q. Mr. Grill, how many board members 17 of the commercial co-op were there in 2021? 18 A. There were five. 19 Q. And who were the board members in 20 2021? 21 A. Marc, myself, Michael Conte, Max 22 Touton, and Eric Doctormann, I believe. 23 Q. And why is Mr. Doctormann no 24 longer a board member? 25 A. He sold his floor and moved out.			

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1 the potential tenant. Although because we're 2 really, I don't know, ten out of twelve floors 3 are owner-occupied, it rarely, if ever, happens, 4 that part of it.		1 MR. MARGOLIS: Objection. 2 A. I don't quite understand the 3 question. 4 Q. Did someone tell you about the 5 process for considering sublease applicants?	
5 Q. How many applications to sublease 6 have you considered in the elected years you've 7 been a board member?		6 A. No. 7 Q. Then where did you learn about the 8 process?	
8 A. I don't know exactly.		9 A. I was asked to attend a meeting to 10 determine whether or not a sublet was going to 11 be acceptable to the building, the Board of 12 Directors.	
9 Q. Have you considered more than one 10 sublease applicant?		13 Q. And who asked you to attend that 14 meeting?	
11 A. Probably.		15 A. I think Peter Lehr from the 16 management company.	
12 Q. But you're not sure of the exact 13 number?		17 Q. Did Peter tell you what the 18 process was and the factors to consider for the 19 sublease process?	
14 A. No. I may not have been on the 15 board when there was another application, other 16 than the one we're referring to in this action.		20 A. No.	
17 Q. What's the process to consider a 18 sublease applicant?		21 Q. Where did you learn about the 22 factors to consider for the sublease applicant?	
19 A. As I understand it, the applicant 20 gives the management company a packet of -- a 21 package of their financials, whatever is 22 requested of them. It goes to the management 23 company that vests -- that looks over the 24 packages and makes a determination whether or 25 not the board should look at the potential		23 MR. MARGOLIS: Objection. 24 A. Those are my factors.	
1 sublet tenant, and then pass on the information 2 to the board.	38	25 Q. What did you base those factors	40
3 Q. And what does the board do with 4 that information?		1 on?	
5 A. I guess they analyze it in 6 relation to whether or not it fits with the 7 profile of the building.		2 A. On whether or not the sublet 3 tenant would be acceptable to the building.	
8 Q. And what do they consider -- what 9 factors do they consider to see if the applicant 10 will fit with the profile of the building?		4 Q. Well, were there any documents or 5 anything that described the process for 6 considering a sublease applicant?	
11 A. Usage, taxing of the 12 infrastructure, numbers of people that will be 13 coming to the building in order to use the 14 facilities, hours of operation, renovations that 15 they would require. That's pretty much it.		7 A. Not that I have ever seen.	
16 Q. Is there a formal meeting held to 17 consider an applicant?		8 Q. You mentioned Peter Lehr from the 9 management company. Is that company, and I may 10 be mispronouncing it, Kaled Management?	
18 A. One that I was involved in, yes.		11 A. Yes, I believe it is.	
19 Q. Have you ever been involved in any 20 other meetings to consider a sublease applicant, 21 other than the one that is the subject of this 22 action?		12 Q. And how long has Kaled been the 13 management company for the building?	
23 A. I don't believe I have, no.		14 A. The exact amount of time I don't 15 know.	
24 Q. And where did your understanding 25 of the sublease process come from?		16 Q. Would you say that Kaled had been 17 the management company for the building more 18 than five years?	
		19 A. Yes, I would say more than five 20 years.	
		21 Q. Would you say they've been the 22 management company for more than ten years?	
		23 A. No, I don't believe they have.	
		24 Q. What kind of responsibilities does 25 Kaled have as the manager of the building?	

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1 A. They have quite a number of 2 responsibilities. They're responsible for 3 collecting the maintenance from every floor, 4 keeping the finances and financials of the 5 company in order. They are responsible for 6 repairs and maintenance on the outsides of the 7 building, meaning the parts that are not the 8 interiors of the individual owners. So, 9 whatever is common to the building.		1 A. When we have an annual meeting, 2 when there is construction being done on the 3 premises and he comes around to investigate, or 4 to oversee, I should say, and watch out for the 5 contractors doing the job they need to do. When 6 we have a break-in or a leak of some kind and 7 maintenance is required.	
10 They oversee the person who works 11 in the building, the super. They oversee his 12 hours and pay. They negotiate on behalf of the 13 building with contractors; and they keep track 14 of the work schedules and completion of any 15 contracting and upgrades to the infrastructure 16 and the structure itself that we require. There 17 may be some other things, but that's pretty much 18 it.		8 So, I might not see him for seven 9 months, and I might see him five days in a row.	
19 Q. Thank you.		10 Q. Understood. And is Peter Lehr 11 still the liaison between the management company 12 and the shareholders and board members?	
20 Who managed the building before 21 Kaled?		13 A. He's the only one I've ever spoken 14 to from Lehr -- from Kaled; so, the answer is 15 yes.	
22 A. Could you repeat that?		16 Q. Thank you.	
23 Q. Who managed the building before 24 Kaled?		17 And did Peter serve any role in 18 connection with the building before Kaled took 19 over management?	
25 A. A gentleman by the name of	42	20 A. No.	
1 Israel -- I don't remember his last name. It 2 was a while ago.		21 MR. MARGOLIS: Tara, when it's a 22 good time, could we just take a two, 23 three-minute break?	
3 Q. Do you know how long this 4 gentleman Israel managed the building?		24 MS. TURNER: Yes. Then I can yell 25 at my colleagues out in the hall that are being	
5 A. I don't exactly.		44	
6 Q. Was Israel the manager when you 7 purchased the top floor in the building?		1 noisy.	
8 A. No.		2 MR. MARGOLIS: I don't hear them.	
9 Q. Who managed the building in 1996 10 when you purchased the 12th floor?		3 Why don't we take a few minutes and then we'll 4 come back, if that's okay.	
11 A. I believe it was self-managed.		5 MS. TURNER: Good.	
12 Q. Other than Israel and Kaled, have 13 there been any other management companies 14 involved with the building?		6 (Recess 10:56-11:00 a.m.)	
15 A. I don't think so.		7 BY MS. TURNER:	
16 Q. What is Peter Lehr's role in 17 connection with Kaled and the building?		8 Q. Mr. Grill, what type of actions 9 require board approval?	
18 MR. MARGOLIS: Objection.		10 A. Say that again.	
19 A. He's the -- as far as -- he's the 20 liaison between the management company and the 21 building at 129 West 27th Street. I don't know 22 what his relation is to Kaled, but that's my 23 answer.		11 Q. What type of actions by the co-op 12 require board approval?	
24 Q. How often do you interact with 25 Peter Lehr?		13 A. Buying and selling of a floor, 14 renting one of the floors, although everybody is 15 owner-occupied besides 7 and 8, so it's only 16 that one time that it would happen. 17 Expenditures, capital expenditures such as 18 painting, roof repair, anything that affects the 19 internal structure of the building. The hiring 20 or engaging, I should say, of a management 21 company. Hiring of a -- or approval of a hiring 22 of a consultant who might be working on a 23 furnace. Things like that nature.	
		24 Q. You mentioned buying and selling. 25 What's the process to approve the purchase or	

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1	sale of one of the floors in the building?	1	construction project was going to entail,
2	A. A prospective buyer would submit	2	because we wanted to make sure that -- well, I
3	their financials to the management company, who	3	wanted to make sure that it was not going to
4	would then send it off to the board, and get	4	be -- have an impact on the 12th floor, in terms
5	them -- getting bank approvals if they were	5	of renovation. Demolition in the building can
6	purchasing it with a mortgage. Meeting the	6	be messy. When you're the floor that is right
7	prospective purchaser in person; understanding	7	above or right below, the impact is greater than
8	the usage of the floor or floors that they were	8	anywhere else in the building. He owns the
9	going to purchase. And pretty much that would	9	floor below, so for him it wasn't an issue; he
10	sum it up.	10	would figure it out. But we, at the meeting,
11	Q. Is that process different than the	11	were pretty clear about what -- how they were
12	process for considering sublease applicants?	12	going to do the demolition and what facilities
13	A. Well, we've only had one sublease	13	they were going to use and at what time to do
14	applicant that I'm -- you know. So, and we've	14	the construction part of the renovation of the
15	had many more purchase and sales than we have	15	11th floor.
16	sublease applicants.	16	Q. How was Touton's purchase of the
17	Q. So is the process the same or	17	11th floor approved?
18	different?	18	MR. MARGOLIS: Objection.
19	A. Well, it's somewhat different.	19	A. We said okay. I'm not sure what
20	The nature of the relationship is different.	20	you're referring to.
21	Q. How so?	21	Q. Did the board members cast a vote
22	A. Well, somebody is becoming a	22	to approve or deny?
23	partner when they buy shares in the building, in	23	A. Yes, we voted.
24	the co-op, I should say. And when they're a	24	Q. And how many board members voted
25	tenant, they are not your partner; they have a	25	in total?
	46		48
1	contractual relationship with the person that	1	A. There were four of us that voted
2	has the proprietary lease for the floor that	2	because they had to -- well, I actually
3	they would like to sublet.	3	suggested, and I thought it was the right thing
4	Q. You mentioned earlier that Touton	4	to do, that they recuse themselves from voting
5	Limited purchased the 11th floor.	5	since they were on the same side of the trade,
6	A. Yes.	6	and it was unanimous to approve it. They're
7	Q. Can you describe the process of	7	really good partners and they build beautiful
8	considering the purchase of that floor, the 11th	8	space.
9	floor.	9	So, there was no issue. As soon
10	A. Well, he owned two floors in the	10	as they were willing to seal up the -- for the
11	building, 9 and 10. So he submitted a package	11	purposes of demolition, make sure that none of
12	to the management company and to the board, and	12	the airborne waste would travel up through the
13	then to the board, for the purchase of the 11th	13	elevator shafts, that was the only concern that
14	floor. He supplied his financials to make sure	14	I had, and it was unanimously approved.
15	that he was going to be able to afford the	15	Q. And you said four board members
16	maintenance on three floors, as opposed to two.	16	voted. Would that be yourself, Marc, Mr. Conte,
17	He was -- he submitted his construction project	17	and Mr. Doctormann?
18	and renovation ideas, and the board approved it	18	A. Yes.
19	based on what he submitted.	19	Q. Thank you.
20	Q. Was there a meeting or interview	20	Is there a certain number of board
21	to consider Touton's purchase of the 11th floor?	21	members required to attend a meeting to consider
22	A. There was no interview. We knew	22	the purchase of one of the floors in the
23	him very well. In fact, he was in the building	23	building?
24	when I got here. So, that was not necessary.	24	A. I don't know.
25	We did meet about what the	25	Q. And is there a certain number of

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1 votes that are required to approve the purchase 2 of one of the floors in the building?		1 Q. I'm sorry, is your testimony that 2 you've approved eight purchases of --	
3 A. The majority of the board would be 4 required to approve the purchase of one of the 5 floors, although we try to do everything by 6 unanimous consent, and I haven't had an 7 experience where that wasn't the case.		3 A. I think so. 4 Q. I just want to make sure I 5 understood.	
8 Q. Why does the board try to do 9 everything by unanimous consent?		6 A. Yeah. 7 Q. Has anyone in those eight 8 purchases that you've approved, were any of the 9 purchasers unaffiliated with the building, so 10 did not already own a floor in the building?	
10 A. It doesn't have to. The only 11 thing that's required is majority. But I like 12 to have unanimous consent because, I mean -- 13 it's not required, but I prefer it.		11 A. Yes. 12 Q. Do you recall who the purchasers 13 were?	
14 Q. Why do you prefer unanimous 15 consent?		14 A. Hand Held Films was not in the 15 building, and they came to the building to 16 purchase. 4 and 5, the structural firm, the 17 engineering firm, was not originally in the 18 building. They purchased the fourth and fifth 19 floors. 11 was purchased after the original 20 owner when I came in, Mr. Doctormann purchased 21 his floor. Mr. Conte purchased his. And also 22 2, actually, Donald Baechler also purchased the 23 floor after I had already come in.	
20 Q. So if one partner was opposed to a 21 purchase or sale, would you vote in opposition 22 to that purchase?		24 Q. What was the process to approve 25 Hand Held Films's purchase of their floors?	
23 A. I can't speculate as to what I 24 would do at a time, without having a specific 25 instance to talk about.	50		52
1 Q. Has the process to consider 2 purchase or sale of the floors changed over 3 time?		1 A. They, Marc had come in, had a 2 meeting, described what the business that he was 3 going to do in the building. He had to be 4 pretty specific about it. He submitted his 5 financials, which were approved. And I think he 6 actually -- I'm not sure if he had two meetings, 7 but he definitely had one with the board.	
4 A. The process, no.		8 Q. And what about Mr. Conte, when he 9 purchased -- when his organization purchased the 10 sixth floor?	
5 Q. How many purchases -- I'll just 6 say purchase because it's both a sale and a 7 purchase.		11 A. I don't recall the meeting itself, 12 but he came in also with a -- he had -- I don't 13 know if it was his partner, but a younger fellow 14 who was with him, two of them came together. 15 And they described what they were going to do on 16 the sixth floor and the business that they were 17 in. They also submitted their financials.	
8 A. Okay.		18 Q. What about the structural 19 engineers, architects, for the fourth and fifth 20 floor, what was that process for approving?	
9 Q. How many times have you approved 10 or denied a purchase of one of the floors in the 11 building, as a board member?		21 A. Basically the same process. I 22 think there were two of the principals that came 23 to meet with us. I don't remember, they've been 24 here for a while, I don't remember it, but they 25 came for a meeting and submitted their	
12 A. Probably eight.			
13 Q. And of those eight times, how many 14 times have you denied a purchase of one of the 15 floors?			
16 A. I don't recall.			
17 Q. Have you ever denied the purchase 18 of one of the floors in the building?			
19 A. I don't remember. Real estate 20 agents bring people to the board, you know. 21 There hasn't been any turnover in a very long 22 time, so I don't recall whether or not we turned 23 anybody down. I only can tell you that there 24 are eight ones that I approved. I don't know 25 what you're asking, exactly.			

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	53		55
1 financials, described what they were going to do		1 A. No. No.	
2 in the space. No different than the others.		2 Q. I want to shift gears back to the	
3 Q. And was it a similar process with		3 general process to approve or deny sublease	
4 the 11th floor when Mr. Doctormann was		4 applicants.	
5 purchasing it?		5 Do you know where the requirement	
6 A. Yes.		6 for board approval for sublease, do you know	
7 Q. And how did you learn about the		7 where that requirement is?	
8 process to approve purchases of floors in the		8 MR. MARGOLIS: Objection.	
9 building?		9 A. Yeah, it's in the docs, the	
10 A. I went to a meeting and, you know,		10 building docs, the operating building documents.	
11 there's a learning curve. So, I learned it.		11 Q. And is board approval the only	
12 Q. Did someone tell you about the		12 way, a vote of board approval, is that the only	
13 process?		13 way to approve a sublease applicant?	
14 A. There's no class -- I mean, I		14 A. As far as I know.	
15 didn't go to NYU Real Estate for Board Meetings,		15 Q. When does the Board of Directors	
16 if that's what you're asking.		16 first get involved when there is a potential	
17 Q. Did someone tell you about the		17 sublease applicant?	
18 process for approving --		18 A. Could you repeat the question,	
19 A. Yes. Yes.		19 please.	
20 Q. Who told you?		20 Q. When does the Board of Directors	
21 A. I have no idea.		21 get involved when there is a potential sublease	
22 Q. Was it another board member?		22 applicant?	
23 A. I don't recall who told me how it		23 A. When we're asked to attend a board	
24 works.		24 meeting to review or meet a potential tenant.	
25 Q. Did you review any documents that		25 Like I said, it's only happened once, so there's	
	54		56
1 indicated the process for approving purchases of		1 no regular process that goes on. Happens one	
2 the building?		2 time, so the next time we'll have something to	
3 A. No.		3 base the next process on.	
4 Q. Do shareholders have any rights as		4 Q. You mentioned that the seventh and	
5 far as approving or denying the purchase of		5 eighth floors owned by Oxford are currently	
6 floors in the building?		6 unoccupied. Have they ever been occupied by a	
7 A. Do they have any rights? Could		7 tenant?	
8 you define "rights" for me?		8 A. Yes.	
9 Q. Sure. Can they take any action;		9 Q. When?	
10 for example, a vote to approve or deny, you		10 A. When Oxford bought -- when Oxford	
11 know, voice their opinions.		11 bought the floor, they occupied it.	
12 A. They certainly have the right to		12 Q. What floor did they occupy, did	
13 express their opinion, like everybody does.		13 Oxford occupy?	
14 It's pretty obvious when somebody is looking to		14 A. I don't remember. 7 or 8.	
15 sell their floor.		15 Q. Do you know when they purchased	
16 Q. But can shareholders cast a vote		16 the seventh and eighth floors?	
17 in the process for purchasing floors?		17 A. I don't remember.	
18 A. It's a Board of Directors'		18 Q. Does around 2004 sound right?	
19 decision as to accept or reject a potential		19 A. I would be guessing, and I don't	
20 buyer. But I would certainly consider all of my		20 know.	
21 partners' and shareholders' who are not on the		21 Q. Understood.	
22 board opinion as to what is in the best interest		22 Do you know how long Oxford	
23 of the building. But they don't have a right.		23 occupied either the seventh or eighth floor	
24 Q. So they can't vote on whether to		24 after purchasing it?	
25 approve or deny the purchase of any floors?		25 A. I think for a couple of years.	

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1 Q. Were there any other tenants in 2 the seventh or eighth floor during or after 3 Oxford occupied one of them?		1 Q. Did they occupy the seventh or 2 eighth floor in 2018?	
4 A. Yes.		3 A. I don't recall.	
5 Q. Who?		4 Q. What was the process to approve	
6 A. I don't know the name of the 7 company, but they were a gaming company that		5 the software company to rent the seventh or	
8 were electronic games.		6 eighth floor?	
9 Q. Do you know what floor they --		7 A. I don't recall specifically, but	
10 A. Software. Software.		8 it was the same thing.	
11 Q. Do you know what floor the 12 software company occupied?		9 See, the thing was that Shamash 10 still had occupancy. So he was on, or at least 11 he claimed he was, operating his business out of 12 that space. So it was still tenant owner-	
13 A. I don't remember.		13 occupied and he sublet the space. We approved 14 it based on the fact that their financials were 15 okay and he was going to be responsible for the 16 daily operations of his subtenant.	
14 Q. How long did the software company 15 occupy the seventh or eighth floor in the 16 building?		17 Q. Were you a board member when the 18 software company was approved to sublease the 19 seventh or eighth floor?	
17 A. Maybe 18 months.		20 A. I don't remember if I was.	
18 Q. When did the software company 19 first occupy the seventh or eighth floor in the 20 building?		21 Q. Was anyone from the software 22 company interviewed as part of their application 23 to sublease the seventh or eighth floor?	
21 A. Before COVID. Exact period of 22 time I don't remember.		24 A. I never interviewed them. I don't 25 know if the board, other members did, but I did	
23 Q. When did the software company 24 leave the seventh or eighth floor in the 25 building?			
	58		60
1 A. I don't know the exact date, but 2 before COVID.		1 not.	
3 Q. When you say before COVID --		2 Q. Did you ever meet anyone from the 3 software company that rented the seventh or 4 eighth floor?	
4 A. Before March 2020 they were gone 5 already.		5 A. I don't know if I've met any 6 principals. I met people who worked there in 7 the elevator.	
6 Q. Were they gone within a year of 7 March 2020?		8 Q. Do you know why the software 9 company only occupied the floor, one of the 10 floors for 18 months?	
8 A. I believe so.		11 A. I don't know.	
9 Q. 2019?		12 Q. Do you recall how long the 13 sublease was to occupy the seventh or eighth 14 floor, the sublease with the software company?	
10 A. Probably. No, definitely, yes, 11 definitely they were gone before then. Because 12 my mother had died then and they were already 13 gone from the building in 2019.		15 A. I don't. I never saw it.	
14 Q. Was the software company occupying 15 the seventh or eighth floor in March of 2018?		16 Q. Would the board typically review a 17 sublease agreement in considering a sublease 18 applicant?	
16 A. I don't remember.		19 A. The management company would 20 review the package, you know, the filing for an 21 application process. The lease itself, somebody 22 may want to see it. I never have.	
17 Q. So is it fair to say sometime in 18 2018 or the first quarter of 2019, but before 19 March 2019, the software company was occupying 20 the seventh or eighth floor?		23 Q. We talked a little bit about 24 Kaled's role in the sublease process.	
21 A. No, it was before that.		25 A. Whose role?	
22 Q. So when was the software company 23 occupying the seventh or eighth floor?			
24 A. The exact dates I don't know, but 25 it was definitely prior to 2019.			

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1 Q.	Kaled. I'm sorry.	1 to conduct a phone interview?	
2 A.	Oh, Kaled, yes.	2 MR. MARGOLIS: Objection.	
3 Q.	I'm not sure I'm pronouncing it	3 A. Would it be willing to?	
4 correct.		4 Q. Yes.	
5 A.	Kaled, yeah.	5 A. I can speak for myself. I	
6 Q.	Does Kaled make a recommendation	6 probably wouldn't.	
7 whether to approve or deny a sublease applicant?		7 Q. Would not?	
8 A.	We've only had one that required	8 A. I would rather meet the person	
9 it; so, no, they get the finances and whether or		9 that's going to be occupying the space.	
10 A.	not, I guess, the construction that they're	10 Q. Why would you want to meet the	
11 intending to do is compatible with the		11 person occupying the space?	
12 building's infrastructure. But, no, they don't		12 A. I think that it's a better working	
13 make any recommendation one way or the other, or		13 relationship when you've actually met somebody	
14 didn't in this case. Not to me.		14 in person. You're sharing facilities. I think	
15 Q.	Was Kaled managing the building	15 that that's, you know, reasonable and	
16 when the software company subleased the seventh		16 legitimate. I would expect somebody to want to	
17 or eighth floor?		17 meet me if I wanted to go into their space.	
18 A.	I don't remember.	18 Q. Again, speaking generally, not	
19 Q.	Did the software company submit a	19 about the specifics in this action, but who	
20 sublease application for the seventh or eighth		20 attends the meeting or interview to consider a	
21 floor?		21 sublease applicant?	
22 A.	I don't know. I never saw one.	22 A. Who does?	
23 Q.	Did you vote to approve or deny	23 Q. Yes.	
24 the sublease with the software company?		24 A. Well, we've only kind of had one	
25 MR. MARGOLIS:	Objection.	25 really here, so the board members that are	
	62		64
1 A.	I did not. I was not involved.	1 available to meet. Should be everybody, but not	
2 Q.	Do you know who the board members	2 everybody is available. We all, you know, our	
3 were when the software company submitted, or		3 jobs are not about the building. We all have	
4 when they sought to sublease the seventh or		4 our own successful businesses. We move around a	
5 eighth floor?		5 lot. So coordinating a meeting is not the	
6 A.	No.	6 easiest thing to do, but we do it because it's	
7 Q.	Just generally speaking, is it	7 our responsibility, we have to, we want to, and	
8 possible for an applicant, a sublease applicant		8 we try to accommodate our shareholders and	
9 to be approved without a meeting or interview?		9 partners in the building.	
10 MR. MARGOLIS:	Objection.	10 Q. When you say there's only been one	
11 A.	Is it -- did you ask me if it's	11 sublease applicant, what do you consider the	
12 possible?		12 software company that subleased the seventh or	
13 Q.	Yes.	13 eighth floor to be?	
14 A.	Anything's possible. It's not our	14 A. Well, not really because Shamash	
15 process, but I guess it's possible.		15 was the occupant of the building and he was	
16 Q.	Is there any written requirement	16 still there when they came in. And so, as far	
17 that a meeting or interview of a sublease		17 as I was concerned, it was still, you know,	
18 applicant is required for sublease approval?		18 owner-occupied; and he was going to be	
19 A.	I don't know if that, in fact, is	19 responsible for the individuals that were there.	
20 a written -- somewhere I read that it is, but I		20 For me, owner-occupied is really	
21 don't remember where. Maybe it's in the		21 the primary reason why I wanted to come to this	
22 operating docs. But, no, I don't recall a		22 building in the first place.	
23 written formula for that.		23 Q. And do you know if Mr. Shamash, or	
24 Q.	Again, generally speaking, for a	24 anyone in connection with Oxford, was affiliated	
25 sublease applicant, would the board be willing		25 with the software company?	

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1 A. I don't. I don't believe so, but		1 Things that are specific to the other tenants,	
2 I don't know if they were or they weren't.		2 the comfort and quiet usage for other tenants.	
3 Q. Generally speaking, for a meeting		3 Things like that. Same questions you would ask	
4 or interview to consider a sublease applicant,		4 if you were doing it.	
5 can shareholders who are not board members		5 Q. For the sublease approval of the	
6 attend that meeting or interview?		6 software company, did anyone ask these questions	
7 A. Yes, a shareholder can attend the		7 of the software company?	
8 meeting. They don't have a vote, but they could		8 A. I don't know.	
9 attend the meeting, sure. I don't see why not.		9 Q. Did Mr. Shamash make any	
10 Q. And where does the interview or		10 recommendations or representations on behalf of	
11 meeting typically take place?		11 the software company regarding their sublease?	
12 A. Well, again, we've only had one		12 A. Not to me.	
13 for a sublease, and that took place, I believe		13 Q. Once the board votes to approve or	
14 it took place on the sixth floor in Mr. Conte's		14 deny a sublease, what happens next?	
15 conference room. Sorry about that. Conference		15 A. After the vote, you mean?	
16 room.		16 Q. Yes.	
17 Q. And what type of questions do the		17 A. We would tell the -- I mean, I can	
18 board members ask at the meeting to consider a		18 speak to the idea of buy and sell, which is we	
19 sublease applicant?		19 would tell the real estate agent what our	
20 MR. MARGOLIS: Objection.		20 decision was, and I guess they would relay it	
21 Tara, are you asking about the --		21 one way or the other to the prospective buyer,	
22 we keep sort of -- you keep asking about		22 seller or sublease tenant.	
23 generally and the witness keeps talking about		23 Q. Generally speaking, when	
24 there being one. We know which one it was		24 subleasing, is there any way for the applicant	
25 because it's the one that's the subject of this		25 to appeal the board's decision to approve or	
	66		68
1 case. So when you ask your questions, are you		1 deny?	
2 asking about this case?		2 A. I guess they could ask to have it	
3 MS. TURNER: I'm just trying to		3 reviewed, you know, to come in and have another	
4 establish the process, the general process, not		4 meeting about it. But there's no guarantee that	
5 specific to the plaintiff in this case.		5 would happen. There's no process by which an	
6 MR. MARGOLIS: Okay. Well, with		6 appeal could be made. If someone called and	
7 that framework, Joey, if you can answer the		7 asked, I'm fine. I'm always happy to hear about	
8 question.		8 something somebody left off or conditions	
9 A. Could you repeat the question.		9 change. You know, very hard when you meet	
10 MS. TURNER: Nancy, could you read		10 somebody for the first time; I don't evaluate	
11 back from the transcript, please.		11 anybody when I meet them for the first time.	
12 (The following question was read:		12 Situations change. I'm open.	
13 "And what type of questions do the board members		13 Q. With regards to the software	
14 ask at the meeting to consider a sublease		14 company that subleased the seventh or eighth	
15 applicant?"		15 floor, were there any issues with that	
16 A. Questions that are pertinent to		16 subtenant?	
17 their occupancy.		17 MR. MARGOLIS: Objection.	
18 Q. What type of questions regarding		18 A. There were for us, yes.	
19 their occupancy?		19 Q. Who is "us"?	
20 A. Usage of the floor, hours of		20 A. The people who worked on the 12th	
21 operation, numbers of people that will be coming		21 floor.	
22 to the building, renovations that would need to		22 Q. And what were your issues with	
23 be done, whether or not there's manufacturing or		23 the --	
24 chemicals or toxic waste that's going to be		24 A. Those guys were really big. I	
25 produced by whatever it is that they are doing.		25 mean, whoever was doing the hiring hired big	

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1 people, and they -- and I don't mean in terms of 2 physical size. They overtaxed the elevator. So 3 instead of following the rules of maximum of 4 six, when it would come up to the floor, 5 sometimes there would be seven.		1 every weekday? 2 A. We have one person who comes in at 3 8:30; they leave at 4:30. We have one person 4 that comes in at 9; they leave at 5. We have 5 probably four people that come in anywhere 6 between 10 and 6; and I come in when I'm here 7 usually 10:30 to 7. That's pretty much it, on a 8 regular. We do have one person who comes in 9 sometimes around noon and she may stay until 8 10 or 9, because a lot of her work is actually 11 based on clients that live in California. So 12 the three-hour time delay changes the hours that 13 she works. And that's kind of it.	
6 So, they took up more of the space 7 than I was happy with. You know, when you're on 8 the 12th floor, the elevator stops between 2 and 9 11 all the time. So you're the last one off and 10 the last one to get on. So when you have a lot 11 of people on the elevator, it affects the flow 12 of traffic to your own floor; and that bothered 13 me.		14 Q. As a model agency, do you have 15 photo shoots on the 12th floor or do models 16 regularly visit the 12th floor?	
14 Q. Do you know how many employees the 15 software company had?		17 A. No. We don't have photo shoots 18 here. If somebody comes in and we shoot a 19 digital from an iPhone, that's an occasional 20 thing. But we have studios that we own in New 21 York City and have for 35 years. Any photo 22 shoots or any castings where there's numbers of 23 people, we do it at our photo studio, not here.	
16 A. I don't.		24 Q. And what about Touton's business 25 on the ninth and tenth and potentially future	
17 Q. Did you regularly see employees 18 going to the seventh or eighth floor to the 19 software company?			
20 A. When I was here, and I'm not here 21 all the time, yes, you did see them more than 22 other floors.			
23 Q. Were there any other issues with 24 the software company when they were subleasing?			
25 A. No. They were very nice.			
	70		72
1 Q. Do you know if any of the other 2 board members or shareholders had issues with 3 the software company?		1 11th floor; do they have -- how many employees 2 do they have that come into the building 3 regularly?	
4 A. Not that I ever discussed with 5 them, no.		4 A. I don't know.	
6 Q. You mentioned that the software 7 company had more people accessing the floor that 8 it was subleasing. We're not sure if it's the 9 seventh or eighth, but do any other occupants of 10 the other floors have employees that regularly 11 visit the building?		5 Q. Do you know if Touton receives 6 visitors at the building?	
12 A. That have employees that visit the 13 building, is that what you asked?		7 A. I don't know. They have outdoor, 8 outside salespeople that come in on occasion, 9 and the only reason I know that is because 10 they're carrying -- they have a wine bag. But 11 there's not very many of them, but occasionally 12 they come in. Maybe they have a company testing 13 now and then, tasting, I don't know. But very 14 few.	
14 Q. Employees or just visitors, have 15 visitors to the building.		15 Q. Okay. Now I'm going to talk 16 specifically about the facts of this action. 17 What's your understanding of the lawsuit against 18 the co-op and the board members?	
16 A. Visitors. I guess they must. Not 17 many.		19 A. CCMS had come in for an interview 20 with board members after Shamash had negotiated 21 a lease with their organization, prior to having 22 been approved. And my understanding is that 23 Mr. Brooks felt that he was unfairly treated as 24 a result of the information that he had been 25 given by Nigel and that he felt that the reason	
18 Q. Does your business Click Models 19 get many visitors to the 12th floor?			
20 A. No.			
21 Q. How many employees work out of the 22 12th floor for Click Models or the talent 23 management company?			
24 A. Currently, eight.			
25 Q. And do they work in the building			

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 1 that he had been rejected was because members of
 2 the board felt that he was being -- he felt that
 3 he was being racially discriminated against when
 4 the board rejected his application, after he had
 5 gone through all of the motions of getting to
 6 that point. I don't know if it's correct, but
 7 that's my interpretation of it.

8 Q. There's no right or wrong answer.
 9 We're just talking.

10 A. Okay. You have very nice teeth,
 11 by the way.

12 Q. When did you personally first
 13 learn that CCMS was interested in subleasing a
 14 floor at the premises, or the building?

15 A. Somewhere around Christmas 2019.
 16 In that area, right in that period of time.

17 Q. Do you remember the day?

18 A. No. The specific day, no, but in
 19 and around December 20. It could have been the
 20 19th, it could have been anywhere around there,
 21 but I think it was closer to Christmas,
 22 actually.

23 Q. How did you first learn that CCMS
 24 was seeking a sublease?

25 A. Peter Lehr put in a call to me and

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 1 what I was picking up, that he was pretty
 2 insistent about having a board meeting, sooner
 3 than later.

4 Q. And prior to that time, had
 5 Mr. Shamash ever reached out to you about CCMS
 6 and subleasing in the building?
 7 A. He had reached out to me, but not
 8 about a specific tenant. He said to me a while
 9 before that, and it could have been more than a
 10 month but less than two, that he thought he had
 11 a tenant for the space, and he was hoping to be
 12 able to make a deal with them.

13 Q. Why did Mr. Shamash reach out to
 14 you a month prior regarding the sublease?

15 A. I have absolutely no idea.

16 Q. Do you and Mr. Shamash speak?

17 A. Never. Never. I shouldn't say
 18 never. I mean, I maybe have spoken to him a
 19 half dozen times since he moved into the
 20 building, of which half of those were in the
 21 elevator when he had his offices here. We're on
 22 different schedules, so... But, no, not -- I
 23 have no idea why he reached out to me.

24 Q. How did he, how did Mr. Shamash
 25 reach out to you? Did he call you, email you?

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 1 said that Nigel was really pushing to get a
 2 meeting. He had a tenant that he had worked out
 3 a lease with and that he understood that he had
 4 to have a board meeting for approval, and he
 5 pushed pretty heavily to get it done
 6 immediately; and that's when I first heard about
 7 it.

8 Q. And when you say he pushed to have
 9 it done immediately, do you mean Mr. Shamash?

10 A. I assume, yeah. Peter said that
 11 Nigel was very -- he didn't use push. I don't
 12 recall the word that he said, but in substance
 13 that he had a timing issue and really wanted to
 14 have a meeting as fast and as soon as possible.
 15 A board meeting.

16 Q. And did Peter ask you about your
 17 availability for a meeting?

18 A. I don't recall the words but, yes,
 19 he did ask me if I would be available for a
 20 meeting.

21 Q. Did Peter share anything else
 22 about CCMS or --

23 A. No. No. Only that Nigel was
 24 pretty insistent that -- and again, that may not
 25 have been his word, but it was, in substance,

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 1 A. No, he called me.

2 Q. How did he have your number?

3 A. It's not so hard to find Click

4 Models' number. Pretty easy.

5 Q. Did Mr. Shamash --

6 A. I --

7 Q. I don't want to speak over you.

8 Did Mr. Shamash call you at Click

9 Models?

10 A. I think he did, yes.

11 Q. So he didn't call you on your cell
 12 or your personal phone?

13 A. I wouldn't know how he would have
 14 my number unless -- well, he probably could get
 15 my number through Peter Lehr, if Peter gave it
 16 to him. But normally he would just call --
 17 normally if I'm trying to find somebody I don't
 18 call them on their cell phone. I go to the
 19 business number. I think it's rude to call
 20 somebody on their personal phone, if they didn't
 21 give you the number. And I never gave Nigel my
 22 personal cell phone number, but I have given it
 23 to Peter.

24 Q. Thank you.

25 Do you have Mr. Shamash's personal

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1	cell phone number?	1	Q. How long was the interview when
2	A. No.	2	CCMS was present, Mr. Brooks?
3	Q. When Peter Lehr first reached out	3	A. Probably an hour, maybe less.
4	to you in December 2019 about the sublease, what	4	Q. And who was present at Mr. Brooks'
5	did you know about CCMS's business?	5	interview?
6	A. Nothing.	6	A. Again, please.
7	Q. Did Mr. Lehr tell you anything	7	Q. Who was president -- who was
8	about CCMS and its business on the call?	8	present --
9	A. No.	9	A. Who was president? Donald Trump
10	Q. Did CCMS submit any materials in	10	was president at the time.
11	connection with their sublease?	11	Q. Who was present at Mr. Brooks'
12	A. Did they furnish me any, you're	12	interview?
13	saying? Could you repeat it?	13	A. Mr. Brooks, Nigel Shamash, Eric
14	Q. Sure. Sorry, I've got an itch on	14	Doctormann, Max on the other side of the table,
15	my nose.	15	Touton, Mr. Conte next to me, and myself
16	In connection with their sublease	16	opposite Mr. Brooks, or almost opposite. I
17	for one of the floors in the building, did CCMS	17	think that's who was there.
18	submit any materials with their application?	18	Q. So there were four board members
19	A. I don't -- I never saw any, but	19	present at the interview, correct?
20	I'm assuming that they did, to the management	20	A. Yes.
21	company.	21	Q. And why was Mr. Shamash at the
22	Q. So you never reviewed a sublease	22	interview of CCMS?
23	application from CCMS?	23	A. I have no idea, but I assumed he
24	A. I never reviewed it, no.	24	was the -- you know, he owned the floor and he
25	Q. Why didn't you review a sublease	25	wanted to, you know -- I don't even know if he
	78		80
1	application from CCMS?	1	was the broker on his own deal. I thought that
2	A. Because I wasn't in New York. You	2	might be a possibility when I was sitting there,
3	know, it's Christmastime. I'm unavailable. I	3	but I have no idea why he was there.
4	mean, I made him an accommodation, because I	4	Q. Did the board invite Mr. Shamash
5	remember very clearly saying can't this be done	5	to the interview?
6	at the annual meeting? Can't we just carve out	6	A. I didn't. I was surprised, I was
7	a little time for it, you know, March. I wasn't	7	very surprised he was there.
8	planning on coming back into the city for	8	Q. Why were you surprised he was
9	something like this. So, I never saw it.	9	there?
10	Q. When was the annual meeting	10	A. Because he's not a member of the
11	scheduled for?	11	board.
12	A. We hadn't scheduled a meeting, but	12	Q. Why wasn't Marc, the board
13	it would have been sometime between the end of	13	president, at Mr. Brooks' interview?
14	January and March 30th, March 31st, somewhere in	14	A. As far as I understood, he was out
15	the first quarter.	15	of the country at the time.
16	Q. And when did the board end up	16	Q. Did it seem strange to you that he
17	holding an interview for CCMS and their	17	wasn't present for the interview?
18	sublease?	18	A. No, not at all. I mean, they were
19	A. January, mid-January.	19	really -- Shamash was really pushing for this as
20	Q. Does January 14th, 2020 --	20	fast as he possibly could and I had said, let's
21	A. Could be.	21	just do it in the annual meeting, whenever that
22	Q. -- ring a bell?	22	is, February, March. But they were insistent --
23	A. That sounds about it, mid-January.	23	they meaning, I guess, Shamash pushing Peter to
24	Q. So mid-January?	24	get a board meeting sooner than later. There
25	A. Yeah.	25	was no way that Marc was coming back for

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1 something like this. I barely wanted to come in 2 to do it.		1 board besides president or board member?	
3 Q. Understood.		2 A. Well, no. The board members are	
4 A. But I'll make an accommodation for 5 my partners, so...		3 just board members. The corporate officers may	
6 Q. Did you ever discuss the interview 7 with Marc?		4 or may not be board members, but they're not --	
8 A. No.		5 they're mutually exclusive, actually. They	
9 Q. Before the interview had you ever 10 heard of CCMS?		6 don't have to be one or the other. I think it's	
11 A. No.		7 a little confused there.	
12 Q. Other than when Peter told you 13 they were applying to sublease?		8 No, the board members are all	
14 A. He didn't tell me specifically who 15 it was. He told me that Nigel had worked out a 16 deal with a lease with a potential subtenant, 17 and that they wanted to have a meeting.		9 equal board members. They're also individuals	
18 Q. So when you walked into the 19 interview, that was the first time you had ever 20 heard of CCMS?		10 who may be corporate members simultaneously, but	
21 A. Yes.		11 not -- they don't have to be.	
22 Q. And had you ever heard of 23 Mr. Brooks?		12 Q. Understood.	
24 A. No.		13 Who asked questions at the	
25 Q. Had you ever met Mr. Brooks before		14 interview?	
	82		
1 the interview?		15 A. Anybody.	
2 A. No.		16 Q. What was generally discussed at	
3 Q. When you met Mr. Brooks at the 4 interview, did you understand that he was black?		17 the interview?	
5 MR. MARGOLIS: Object.		18 A. The usage of the floor,	
6 A. Did I understand he was black?		19 renovations that would need to be made if they	
7 Q. Yes.		20 were going to have to accommodate any specific	
8 A. I saw a black gentleman sitting 9 across the table from me. I didn't know who he		21 types of usage, hours of operation, past	
10 was until he was introduced to me.		22 experiences with other -- Mr. Brooks describing	
11 Q. Okay. Who conducted the 12 interview?		23 his operation. Pretty much that's it.	
13 A. I would say that Mr. Conte led the 14 interview, but everybody was there and free to		24 Q. What questions did you	
15 ask questions and listen to what the responses		25 specifically ask Mr. Brooks?	
16 were.			84
17 Q. Did Mr. Conte have a specific role 18 on the board?		1 A. Well, I asked him how long he'd	
19 A. No.		2 been in the business, whether or not he was a	
20 Q. Is there a vice president of the 21 board?		3 principal of it or he was acting as a corporate	
22 A. Is there a?		4 liaison for a company, whether or not the	
23 Q. Vice president of the board.		5 company was part of a bigger operation, meaning	
24 A. No.		6 that they had a corporate owner aside from	
25 Q. Are there any other roles on the		7 themselves. I asked him where he learned his	
		8 skill set. That's pretty much it. There could	
		9 have been other things, but that's the general	
		10 gist of what I was interested in. Timing, how	
		11 long he was going to be there.	
		12 Q. At the interview, did anyone	
		13 discuss the use of the elevators in the building	
		14 as it related to the sublease?	
		15 A. Somebody may have, yes.	
		16 Q. Do you recall who?	
		17 A. No. But I had a comment of it.	
		18 You know, when Mr. Brooks was describing the	
		19 clientele that he has and he was referring to	
		20 counseling services, those things that we had	
		21 never been made aware of, we had always thought	
		22 that it was administrative offices because he	
		23 had other locations that he described, that were	
		24 described to us; and when he got into the issue	
		25 of counseling services that he would be	

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1 providing, both for children, group counseling,
 2 mental health counseling, drug and alcohol
 3 counseling, I said, when he had said mental
 4 health, I said, well, can you describe that for
 5 me. And he said, well, we do counseling for
 6 people who have some mental health issues. And
 7 I had said at the time, well, because I have
 8 young girls that come up and down in the
 9 elevator, how do you propose to accommodate the
 10 fact that if you have people with mental health
 11 issues, what can you do about that to -- you
 12 know, I'm concerned. And he said, well, we'll
 13 provide security for that. And I thought to
 14 myself, well, if you need to have security for
 15 mental health in an elevator situation, then
 16 that's something -- that's a red flag for me
 17 anyway.

18 And then he described how he was
 19 going to be open Saturdays. We had said, you
 20 know, predominantly we are a nine to five, nine
 21 to six five-day-a-week building. We don't
 22 provide security, we don't have a doorman. Our
 23 super is not here at all on weekends. I'm not
 24 sure how to accommodate that, but I'd like to
 25 hear more of what you have to say. And he kind

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1 Q. So someone must have told you?
 2 A. It could have been Nigel but I
 3 don't -- I can't swear that it was Nigel, but it
 4 could have been Nigel. Because he's really the
 5 only person I spoke to for a moment, and that
 6 was it.

7 Q. Did you speak to any of the other
 8 board members before the interview about CCMS?

9 A. No.

10 Q. You mentioned your concerns -- let
 11 me back up. Strike that.

12 At the interview did anyone
 13 discuss an attack or an incident that occurred
 14 in Monsey, New York involving a man with mental
 15 health issues?

16 A. Not that I heard, no. I never
 17 heard that.

18 Q. Was there any discussion generally
 19 about security or safety with individuals that
 20 might have mental health issues?

21 A. Nothing more than me saying what
 22 kind of accommodations are you thinking about;
 23 and he responded, well, we'll have security
 24 guards. I don't know if he said security
 25 guards, I shouldn't say. We'll have security.

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1 of got, you know, I think he may have felt that
 2 maybe he is in the wrong place.

3 Q. You mentioned that you thought
 4 CCMS would be operating administrative offices?

5 A. Yes.

6 Q. Who told you that?

7 A. I don't recall who said it
 8 specifically. Peter may have. It could have
 9 been him. It could have been anybody. I was
 10 very surprised when I found out that that wasn't
 11 the case.

12 Q. But you didn't review the sublease
 13 application, so you didn't learn that from the
 14 sublease application?

15 A. No, I didn't learn it from the
 16 sublease application. I learned it at the
 17 meeting, pretty much at the meeting.

18 Q. You learned at the meeting that
 19 they were intending to use it for admin offices?

20 A. Say that again.

21 Q. When did you learn that CCMS would
 22 be operating administrative offices in the
 23 building?

24 A. Somewhere before the meeting. I
 25 didn't review the application.

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1 And I said, well, we don't have somebody at the
 2 front door. He said, no, no, no, that's
 3 something I would provide.

4 Q. Was there any discussion of CCMS's
 5 clients using the freight elevator instead of
 6 the normal elevator?

7 A. Not that I recall. I mean, we
 8 were redoing elevators, so there could have been
 9 a period of time where somebody is using a
 10 freight elevator when we're -- you know, there's
 11 a lot -- you have people in the building who
 12 need more than one single access point. But,
 13 no, not so that somebody could use a freight
 14 elevator as a regular way of operating, other
 15 than with freight.

16 I mean, the third floor sometimes
 17 uses it because they move some equipment up and
 18 down between the ground floor and the basement,
 19 but nobody I know, and certainly not on my floor
 20 uses the freight elevator, and I would never
 21 allow it for people to be isolated in a freight
 22 elevator. No way, not for me.

23 Q. Was there any discussion about the
 24 race or ethnicity of CCMS's clients?

25 A. No.

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	89		91	
1 Q. During the interview while 2 Mr. Brooks was present, did any of the board 3 members express concerns about CCMS subleasing 4 the floor?		1 A. I said, I'm really concerned about 2 Mr. Brooks saying that he needed security -- or 3 not needed, but he would provide security during 4 the time when his clients come in because that, 5 to me -- you know, the building isn't prepared 6 for that kind of thing. It's not that kind of 7 facility.		
5 A. About CCMS? 6 Q. Subleasing the floor. 7 A. I don't know what you mean. 8 Q. So before -- 9 A. It's not a clear question. I 10 apologize.		8 And I had said, you know, if we 9 were talking about the ground floor where you 10 have your own access or entry, and the building 11 doesn't have to operate to fill the terms of his 12 lease, operate independently, you know, I would 13 be much more open to the idea of CCMS. But 14 under those terms -- and Mr. Brooks was very 15 honest about it. He said that's what our 16 business is. And we said, well, we thought -- I 17 think Mr. Conte said, we thought this was only 18 administrative offices that you were talking 19 about. And he said, no, no, we will have -- 20 we're going to use a couple of the office spaces 21 for administration, for billing and receiving 22 for accounting work but, no, this is for 23 facilities for counseling.		
11 Q. While Mr. Brooks was at the 12 interview, did anyone ask Mr. Brooks, or raise 13 any issues that would impact his sublease 14 approval or denial?		24 Q. How long did the board, after 25 Mr. Brooks left, how long did the board		
15 MR. MARGOLIS: Objection. 16 A. Not that I heard, no. 17 Q. How quickly after Mr. Brooks left 18 the interview did the board consider the 19 sublease? 20 A. Five minutes, ten minutes, 15 21 minutes. Relatively soon afterwards. That's 22 why we were there. We weren't there for any 23 other reason. 24 Q. What did the board members discuss 25 with regards to approving or denying the	90	1 sublease? 2 A. Oh, we discussed that it didn't 3 fit -- we didn't believe that it fit with the 4 nature of our business. We're not a 9 -- you 5 know, we're not open on weekends. Mr. Brooks 6 was very clear that his business runs six days a 7 week, they are there until 9 o'clock in the 8 evening often. That part of it wasn't going to 9 work. 10 We were a little perturbed that, 11 and we discussed that Nigel had submitted a 12 person who, an organization, not a person, but 13 an organization that is not consistent with the 14 operations of the building's time frame of 15 operation. We were shocked that he was there, 16 that was the first thing. What was Nigel doing 17 here? I mean, I can understand why he would 18 want to escort him in and then introduce him and 19 then leave, but he stayed. That was the first 20 part of, like, that's odd, but okay. 21 We discussed -- we actually 22 discussed Nigel more than we discussed CCMS. 23 Q. While the board was deliberating, 24 did anyone express concerns about CCMS's 25 clients?	92	1 deliberate before taking a vote on the sublease? 2 A. On the merits of whether or not we 3 were going to approve CCMS, we came to a vote, I 4 would say ten minutes, maybe less, but we did 5 meet a little bit longer because we didn't quite 6 understand Nigel's position in the entire thing. 7 And Nigel voted no at the thing. I'm like, 8 Nigel, you don't have a vote, dude, first of 9 all. It was very confusing, that part of it. 10 We were trying to figure out what was going on. 11 We kind of were side-swiped there. 12 Q. What did, if you could just go 13 through each of the individuals that were 14 present for the vote, what did each person vote? 15 A. I'm not understanding this. 16 You're not coming in clear. 17 Q. Sorry. How did -- of the 18 individuals that were present for the vote, how 19 did each person vote? 20 A. We all voted to not approve the 21 sublease. 22 Q. And you said Mr. Shamash voted no 23 as well? 24 A. He doesn't have a vote. He raised 25 his hand when we said -- you know, because we

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1 voted by hand and a yea or nay and it was, you 2 know, I voted not for me, nay, and he voted the 3 same thing. But that's when I said, dude, you 4 don't have a vote, what are you doing? And it 5 didn't matter because the other four members 6 also had voted no at the time.		1 Q. Do you recall when the delivery 2 was, the attempted delivery?	
7 Q. What did Mr. Shamash respond when 8 you told him he didn't have a vote?		3 A. No. I don't recall, but it was 4 prior to the meeting.	
9 A. He said you're right, I don't.		5 Q. Was it prior to when Peter Lehr 6 called you about the sublease?	
10 Q. Did he provide any other context 11 for why he attempted to cast a vote?		7 A. Probably not because that would 8 have been a red flag for me. I would have made 9 a call to find out what was going on, so it was 10 probably after that.	
12 A. No.		11 Q. You're not sure?	
13 Q. Was there any other discussion 14 amongst the board members after the vote?		12 A. I'm not sure, but knowing myself, 13 if somebody tried that I would make a phone call 14 to find out what was going on.	
15 A. What are you doing, you know, how 16 was your Christmas, where are you gonna be for 17 the next couple of months, how are we gonna get 18 another annual meeting scheduled. I was leaving 19 town, trying to schedule that kind of thing out. 20 That was really just all because Shamash had 21 left; and Mr. Doctormann actually had left right 22 after the vote. He didn't stay either.		15 MS. TURNER: John, if you could 16 pull up the document in the exhibit link that 17 has already been premarked Shamash KK, I would 18 appreciate it.	
23 Q. Who informed CCMS that the 24 sublease was denied?		19 THE TECHNICIAN: Stand by, 20 counsel. One moment.	
25 A. I don't know.		21 Exhibit KK is now on screen.	
	94	22 MS. TURNER: Thank you.	
1 Q. Did any of the board members make 2 an attempt to inform CCMS of the denial?		23 Q. Mr. Grill, I'll represent to you 24 that this exhibit was used in the deposition of 25 Nigel Shamash. It's been premarked as KK. To	
3 A. I don't know. I'm going to assume 4 Shamash did. He was there when it happened and 5 he was the one who was trying to navigate and 6 shepherd it through to begin with, so I assume 7 he did. But it could have been Mr. Lehr. It 8 would have probably been one or the other, but I 9 don't know. It was not me.			96
10 Q. Before the interview, what's your 11 understanding of CCMS's attempt to install 12 telephone lines and furniture in the building?		1 the extent you want to take a second to review 2 it, and then I have some questions for you.	
13 A. I didn't know about it at all 14 until some furniture was starting to be 15 delivered and I was like, how can that be, 16 there's no approval, there's not a board 17 meeting. That doesn't make any sense. I didn't 18 know anything about it until some furniture -- 19 actually, it wasn't even furniture. I think it 20 was a copy machine that was attempting to be 21 delivered and I was like, okay, but I don't 22 think so.		3 A. You want me to read it?	
23 Q. Do you recall when that attempted 24 delivery was?		4 Q. Yes, please.	
25 A. Do I recall who was delivering it?		5 MR. MARGOLIS: Read it to 6 yourself.	
		7 MS. TURNER: Yes.	
		8 A. Could you expand the type because 9 it's a little bit small. Thank you.	
		10 Q. Just let John know when you need 11 him to scroll down.	
		12 (Witness reviewing document.)	
		13 A. Okay, could you go up.	
		14 (Witness reviewing document.)	
		15 A. Okay, I've read it.	
		16 Q. Mr. Grill, do you recognize this 17 document?	
		18 A. No, I've never seen it before.	
		19 Q. Can you tell from looking at the 20 document who prepared it?	
		21 A. I read the name F. Michael Conte, 22 but I don't know who prepared it.	
		23 Q. Understood.	
		24 Is it fair to say that this is a 25 summary of the January 14th, 2020 interview of	

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1	Mr. Brooks in connection with the sublease?	1	Marc on this summary of the January 14th, 2020
2	A. I would say that it's a pretty	2	interview?
3	good representation of it, yes.	3	A. No.
4	Q. Is there any --	4	Q. Have you ever had any discussions
5	A. It's not complete but, you know,	5	with Marc about the interview or CCMS's sublease
6	it's a pretty good representation.	6	application?
7	Q. Is there anything in this summary	7	A. No.
8	that isn't -- is inaccurate?	8	MS. TURNER: Thanks, John, you can
9	MR. MARGOLIS: That isn't or is	9	take this document down.
10	inaccurate?	10	If it's okay with opposing counsel
11	MS. TURNER: Sorry, I kind of...	11	and the witness, I would appreciate just a
12	Q. Is there anything that is not	12	three- or four-minute break to use the restroom,
13	accurate in this summary?	13	if it's okay with everyone.
14	A. No, I'd say it's a fair	14	MR. MARGOLIS: That's fine.
15	representation and it's correct, as I recall.	15	(Recess 12:25-12:32 p.m.)
16	Q. If you were preparing a summary of	16	BY MS. TURNER:
17	the January 14th, 2020 interview, is there	17	Q. Mr. Grill, now I want to walk
18	anything you would have included that's not	18	through some more documents. We're coming up
19	included in this summary?	19	toward the end here of your deposition.
20	MR. MARGOLIS: Objection.	20	MS. TURNER: John, if you could
21	A. I don't know that. It's three	21	pull up what has already been marked as Shamash
22	years ago.	22	GG.
23	MS. TURNER: John, if you could	23	THE TECHNICIAN: Stand by,
24	just scroll to the top of the document.	24	counsel. One moment.
25	Q. Mr. Grill, do you see the names at	25	Exhibit GG is now on screen.
	98		100
1	the top in the from, to and cc lines?	1	MS. TURNER: John, if you could,
2	A. Yes.	2	again, just blow up so that Mr. Grill can see
3	Q. Is Michael Conte the board member	3	the text.
4	who was present at the interview on January	4	BY MS. TURNER:
5	14th, 2020?	5	Q. And, Mr. Grill, I represent to you
6	A. Yes.	6	that this document was marked Shamash GG in the
7	Q. And are Susan Rubin and Peter Lehr	7	deposition of Nigel Shamash.
8	employees of Kaled Management?	8	A. Okay.
9	A. I don't know Susan Rubin, so I	9	MR. MARGOLIS: Does he need to
10	I don't know who she is, but Peter Lehr is, okay.	10	review it?
11	Q. And do you recognize this email	11	MS. TURNER: Yes. Sorry, thanks
12	address in the cc line, the	12	Barry.
13	Marc@handheldfilms.com?	13	Q. If you want to take an opportunity
14	A. Could be. I don't know if that's	14	to review and just let John know when he can
15	the email address -- yeah, that's his email	15	scroll down.
16	address, Marc@handheldfilms.com, yes. The thing	16	THE WITNESS: You can raise it,
17	that threw me is where it says Marc in front and	17	please, a little bit.
18	then in parentheses, I don't know that I've ever	18	(Witness reviewing document.)
19	seen that, but I have seen Marc@handheld. But,	19	THE WITNESS: Could you raise it a
20	whatever.	20	little bit. Little further down. Still lower.
21	Q. And Marc@handheldfilms.com, that	21	Lower. Oh, no, no, no, I
22	is Marc who is or was at the time board	22	apologize. Raise. I was using the opposite
23	president for the co-op?	23	direction.
24	A. Yes, I believe so.	24	(Witness reviewing document.)
25	Q. And do you know why Mr. Conte cc'd	25	THE WITNESS: Okay. There was one

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1 paragraph in the middle that I didn't see.		1 need him to scroll.	
2 (Witness reviewing document.)		2 THE WITNESS: Okay, please scroll.	
3 THE WITNESS: Okay, I've got it.		3 Little further up, though. Went too far.	
4 Thank you.		4 (Witness reviewing document.)	
5 Q. Thank you, Mr. Grill. Do you		5 THE WITNESS: Okay, scroll down.	
6 recognize this document?		6 Okay, scroll down.	
7 A. Offhand, no, but it kind of		7 Okay, I got it.	
8 confirms for me where I heard that it was a 9 to		8 Q. Thank you, Mr. Grill. Do you	
9 5 business, actually. Must have been from this		9 recognize this document?	
10 email on the 19th, but I don't have any clear		10 A. No.	
11 recollection of it.		11 MS. TURNER: John, if you could	
12 MS. TURNER: John, if you could		12 pull up the last email in the chain. Perfect.	
13 just scroll up to the top of the document and		13 If you could zoom in on that. Thank you.	
14 zoom in a little bit for me. Even my eyes have		14 Q. Mr. Grill, could you just please	
15 to struggle.		15 read aloud the three sentences starting with,	
16 Q. Mr. Grill, do you see your email		16 "The board will meet."	
17 address anywhere in the "from" or "to" lines?		17 A. "The board will meet on January	
18 A. Yes. Because it's aol.com and my		18 14, 2020 to consider the application. It is	
19 kids are mortified that I still use AOL. So,		19 customary that the applicant appear for an	
20 yes.		20 interview at that time. According to our	
21 Q. And you're referring to		21 bylaws, all sublets must be approved. I am not	
22 joeygrill@aol.com?		22 sure why anyone would assume otherwise. F.	
23 A. That's me.		23 Michael Conte CPIA, Honig Conte Porrino	
24 Q. Do you recall Mr. Lehr forwarding		24 Insurance Agency, Inc."	
25 this email with CCMS's sublease application?		25 Q. Thank you.	
	102		104
1 A. No.		1 Do you understand that Mr. Conte	
2 Q. And you didn't -- you're sure that		2 was referring to CCMS's sublease application in	
3 you didn't review the sublease application?		3 this email?	
4 A. I'm sure what? That...		4 MR. MARGOLIS: Objection.	
5 Q. You did not review the sublease		5 A. That his published allegations; is	
6 application.		6 that what you said? I didn't hear.	
7 A. No, I didn't review the		7 Q. Do you understand that Mr. Conte	
8 application.		8 was referring to CCMS's sublease application in	
9 Q. And why was that?		9 this email?	
10 A. I just -- that period of time, I		10 A. That's what makes sense, yeah,	
11 wasn't all that interested in doing any business		11 because Shamash, Nigel, is on there and he's not	
12 regarding this lease. I have a lot of other		12 on the board, so it must have been -- yes. The	
13 things that I have to take care of. I'm not so		13 answer is yes.	
14 vain to think that anybody's busier than I am,		14 Q. Do you know why Mr. Conte would	
15 but I'm pretty busy.		15 have said it was customary that the applicant	
16 Q. Okay.		16 appear for an interview?	
17 MS. TURNER: Thank you, John. You		17 A. No.	
18 can take the document down.		18 Q. Would it be customary for an	
19 John, if you could pull up what		19 applicant to appear for an interview if there	
20 was already marked as Exhibit M as in Mary.		20 had only ever been one sublease applicant?	
21 Q. Mr. Grill, while John is bringing		21 A. I mean, it's just terminology.	
22 this up, I'll represent that this is an exhibit		22 It's, you know, civil writing.	
23 that was used at the deposition of my client,		23 Q. But this was nothing that was	
24 Mr. Emory Brooks. So I'm just going to give you		24 discussed by the board members as requiring an	
25 a second to review; and let John know when you		25 interview?	

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1 A. No, it required an interview.		1 know when you need him to scroll.	
2 Q. What required an interview?		2 A. You want me to read the whole 36	
3 A. A sublease tenant.		3 pages?	
4 Q. And where is that requirement		4 MR. MARGOLIS: Tara, is there	
5 stated?		5 something you want to maybe refer him to?	
6 A. Well, it says it's stated in the		6 MS. TURNER: Sure. I'm only	
7 bylaws.		7 concerned with one section, but I just want to	
8 Q. If you could just reread the		8 make sure that Mr. Grill feels comfortable that	
9 sentence starting with "According to."		9 he knows what this document is.	
10 A. "According to our bylaws, all		10 A. Yeah, the document is the	
11 sublets must be approved. I am not sure why		11 proprietary lease between the building and	
12 anyone would assume otherwise."		12 Oxford Realty, which I assume is owned by the	
13 Q. Did Mr. Conte state that the		13 Shamash family, or that they have something to	
14 bylaws require an interview, or did he just		14 do with Oxford Realty.	
15 state that the bylaws require all sublets must		15 Q. So you're --	
16 be approved?		16 A. I'm fine with that.	
17 A. The document speaks for itself, it		17 Q. Just to confirm, you're familiar	
18 says what it says. "According to our bylaws,		18 with the document?	
19 all sublets must be approved." I don't have a		19 A. Yeah. They have 77 shares, yes,	
20 comment on that.		20 that's correct. That's the document.	
21 Q. Okay. So you're not sure where		21 Q. Thank you. And I'm just trying to	
22 Mr. Conte came up with the idea that --		22 find the page.	
23 A. No. I never had any conversation		23 MS. TURNER: John, if you could go	
24 with Mr. Conte about this.		24 to page 12; we're primarily concerned with	
25 Q. Okay. And, again, an interview		25 section 15.	
	106		108
1 wasn't required of the software company that was		1 Q. Mr. Grill, if you could just read	
2 subleasing the seventh or eighth floor in --		2 that section to yourself if you need to. Then I	
3 A. I don't know that it wasn't		3 have some questions.	
4 required. I know that I didn't attend one.		4 (Witness reviewing document)	
5 MR. MARGOLIS: Nancy, could you		5 A. Okay, I've read it.	
6 put my objection in. I think they were		6 Q. Mr. Grill, are you familiar with	
7 talking --		7 this section of the proprietary lease?	
8 THE REPORTER: There was some		8 A. Only as having read it when I	
9 overtalk there. Okay.		9 first came into the building and now.	
10 MR. CASE: Note my objection as		10 Q. What do you understand this	
11 well.		11 section on subletting to mean?	
12 MS. TURNER: John, you can take		12 MR. MARGOLIS: Objection.	
13 this document down.		13 A. I don't exactly know what it	
14 John, if you could pull up what		14 means.	
15 was premarked as Exhibit C.		15 Q. Does section 15 discuss the	
16 THE TECHNICIAN: Stand by,		16 process for considering subleases?	
17 counsel.		17 A. The subheading is "Subletting."	
18 Exhibit C is on screen.		18 So the answer is yes to that. But, you know, I	
19 BY MS. TURNER:		19 can't form a conclusion as to what it actually	
20 Q. Mr. Grill, I'll represent that		20 means.	
21 this document was used in the deposition of my		21 Q. Does this section state that a	
22 client, Mr. Emory Brooks. It was premarked as		22 "Lessee shall not sublet the whole or any part	
23 Defendants' Exhibit C.		23 of the unit or renew or extend any previously	
24 I'll give you some time to review		24 authorized sublease, unless consent thereto	
25 it. It is a 36-page document, but just let John		25 shall have been duly authorized by a resolution	

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1 of the directors or given in writing by a 2 majority of the directors"?		1 sublessee?	
3 A. That's what the document says, 4 yes.		2 A. No.	
5 Q. What do you understand that to 6 mean?		3 Q. Does this section also state 4 that --	
7 A. I don't have the -- I mean, the 8 document says what it says. I don't have an 9 understanding specifically of what that -- a 10 conclusion as to what that actually means.		5 A. But it doesn't -- and it doesn't 6 say that it can't. I mean, it's both -- it 7 doesn't address that issue at all.	
11 Q. Does this mean that board approval 12 is required for subleases?		8 Q. Does this section also state that: 9 "A lessee shall not sublet the whole or any part 10 of the unit or renew or extend any previously 11 authorized sublease, unless consent thereto 12 shall have been duly authorized by resolution of 13 the directors or given in writing by a majority 14 of the directors, or if the directors shall have 15 failed or refused to give such consent then by 16 lessee's owning at least 65 percent of the then 17 issued shares of the lessor"?	
13 A. That's what I would read it as, 14 but it may have a reading, it may have a 15 conclusion different than that. I didn't write 16 it, and I'm not an attorney, so I can't tell you 17 what specifically it says, other than what it 18 says.		18 What do you understand that second 19 part of that sentence to mean, the 65 percent?	
19 Q. Does this section provide that 20 board approval can be given by resolution of the 21 directors or by a majority of the directors in 22 writing?		20 A. I understand it to mean there's a 21 mathematical calculation by which an alternative 22 method of adopting a subletting tenant to come 23 into the building.	
23 A. Okay. That's fine.		24 Q. Do you understand it to mean that 25 if the board denies a sublease, that	
24 Q. Is that what you understand it to 25 mean?			
	110		112
1 MR. MARGOLIS: Objection.		1 shareholders representing at least 65 percent of 2 the then issued shares can approve a sublease?	
2 A. I don't have a conclusion of what 3 I -- of what it means. I'm not sure what you're 4 getting at here. I mean, I can't form -- I 5 can't form a conclusion as to what that 6 subletting statement actually means. As far as 7 I understand it to mean, is that subletting 8 requires a majority of the board to approve the 9 lease.		3 MR. MARGOLIS: Objection.	
10 Q. And it can be by a resolution or 11 in writing by a majority of the directors, 12 correct?		4 A. I don't understand it to mean -- I 5 can't form a conclusion as to what it actually 6 means.	
13 A. Okay. Are you telling me or am 14 I --		7 Q. So you don't know the process?	
15 Q. It's a question. Is that what you 16 understand this to mean?		8 A. I don't, no.	
17 MR. MARGOLIS: Objection.		9 Q. To approve subleases?	
18 A. Yeah, I don't have a conclusion as 19 to what it means. What it means to me is that 20 the board has to be consulted and give its 21 consent by majority rule as to allowing a sublet 22 to come into the building. That's what it 23 means.		10 A. No. Number one, I've never seen 11 it before. I never had to address it before; 12 let's put it that way.	
24 Q. Does section 15 at all mention a 25 meeting or an interview with the potential		13 Q. You've stated multiple times today 14 that there was another subtenant in the seventh 15 or eighth floor.	
		16 A. Yes. At the time Shamash was 17 owner-occupied and he was there, so he took in a 18 tenant. He remained in the space. That's a 19 different situation.	
		20 Q. But it was also a subtenant. He 21 was not affiliated with the software company?	
		22 A. I don't know that.	
		23 MR. MARGOLIS: Objection.	
		24 MS. TURNER: John, we're finished 25 with this document.	

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1 John, I have one more document I 2 want to look at. If you could pull up what is 3 in the link labeled "Doc 3." 4 THE TECHNICIAN: Stand by, 5 counsel, one moment. 6 (Exhibit Grill TT marked for 7 identification.) 8 THE TECHNICIAN: The document is 9 on screen now. It has been marked as Exhibit 10 TT.		1 what is this document? 2 A. I think it's the offering plan. 3 I'm not sure of the wording because I do not 4 have the title page up on my screen, but it 5 looks to be the offering plan for the 6 cooperative at 129-31 West 27th Street. 7 MR. MARGOLIS: John, you might put 8 the first page up of the document so the witness 9 can see what the first page says. 10 THE WITNESS: I was pretty close. 11 Yeah, cool. 12 Q. Good memory. 13 A. Yeah. 14 MS. TURNER: John, we're going to 15 focus on pages 39 and 40. There's a section 16 that overlaps both of those pages. And it's 39 17 and 40 of the PDF, not the -- perfect. 18 Actually, John, if we could go to 19 page 39 first, just so Mr. Grill can see the 20 title. Okay. 21 Q. Mr. Grill, do you recognize this 22 section of the document at all? 23 A. No, not offhand. 24 Q. But you understand the title is 25 the "Summary of Principal Terms of Proprietary	
1 that maybe John slowly scroll it, start working 2 its way down so that the witness can see what 3 this document is in its generality, and then 4 maybe you could ask him about whether he's ever 5 seen this document before, and then you can 6 proceed from there. 7 MS. TURNER: Sounds good. Thanks, 8 Barry. 9 John, if you can just slowly 10 scroll through. 11 (Witness reviewing document.) 12 MR. MARGOLIS: John, if you could 13 stop for a moment. 14 Joe, do you need anymore for her 15 to show you for her to ask you whether you've 16 seen this document before? 17 THE WITNESS: No. You can ask me. 18 BY MS. TURNER: 19 Q. Mr. Grill, do you recognize this 20 document? 21 A. The last time I saw this document 22 was prior to 1990- -- well, sometime in 1996. 23 So, do I recognize what it is? Yes. Do I 24 recognize it specifically? No. 25 Q. Understood. Just for the record,	114		116
		1 Lease"? 2 A. Yes. 3 MS. TURNER: John, can you go back 4 down to Section 2. 5 Q. If you could just read Section 2 6 to yourself, Mr. Grill. 7 Actually, if you could read it a 8 loud. 9 A. Sure. "2. He" -- well, that's 10 pretty sexist -- "may not sell his shares or 11 assign his proprietary lease, nor sublet the 12 unit, without first obtaining the consent of the 13 Board of Directors as provided in the 14 proprietary lease, which consent may not be 15 unreasonably withheld, or (if the board shall 16 have failed or refused to give its consent) by 17 written consent or vote of shareholders owning 18 at least 65 percent of the cooperative 19 corporation's outstanding shares." 20 Shall I continue? 21 Q. Yes, please. And you're going to 22 continue one more sentence. 23 A. "Refusal to give such consent may 24 not be based upon race, color, creed, national 25 origin, sex, age, disability, marital status or	

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<p>1 other grounds proscribed by law. An assignment 2 is not effective unless the additional 3 requirements of the proprietary lease (see 4 paragraph 16 thereof) are met and, with respect 5 to a subletting, the board or shareholders may 6 impose such conditions as they desire. In 7 addition, a charge, determined by the Board of 8 Directors, may be collected to cover reasonable 9 legal fees and other expenses of the cooperative 10 corporation (including charges of the managing 11 agent) in connection with such assignment or 12 subletting. No other transfer fee may be 13 imposed unless approved by the vote of 14 shareholders owning at least 65 and two-thirds 15 percent of the cooperative corporation's 16 outstanding shares."</p> <p>17 MR. MARGOLIS: Just for the 18 record, it says 66. Mr. Grill, can you just 19 look back at that and make sure that you 20 misspoke and said 65 instead of 66?</p> <p>21 A. I apologize. 66, dash, and 22 two-thirds. So, a super majority, I guess. 66 23 and two-thirds. I apologize, I misread it.</p> <p>24 Q. Thank you, Mr. Grill. 25 What do you understand -- or,</p>	<p>117</p> <p>1 in five seconds. Not only that, I would be 2 embarrassed if any of that, for myself, if any 3 of that was in fact. Disability, I'm disabled. 4 Age, my parents worked with me into their 90s. 5 Sex, I don't care about it. Origin, national 6 origin, people that I know from everywhere in 7 the world. Race, color, creed, that's all human 8 attributes. Fine, great.</p> <p>9 No. I'm not sure what you're 10 getting at. Are you saying -- you know, we take 11 sensitivity training for our company, from a 12 company, so I've taken that also, as a 13 corporate. As a board member specifically for 14 the cooperative, we're all operating as 15 individuals who adhere to this on a natural and 16 daily basis. So, I don't know what else you 17 want me to say.</p> <p>18 Q. Does the co-op, including the 19 board, have any formal anti-discrimination 20 policy?</p> <p>21 A. Yeah, we don't discriminate.</p> <p>22 Q. Where is that policy formalized?</p> <p>23 A. In my head.</p> <p>24 Q. But it's not in writing anywhere?</p> <p>25 A. I --</p>
<p>1 actually, the first part of Section 2 that is on 2 page 34, is this consistent with section 15 that 3 we just looked at in the proprietary lease?</p> <p>4 MR. MARGOLIS: Objection.</p> <p>5 A. I mean, that calls for a 6 conclusion, legal conclusion, I would think, but 7 it seems to reflect the same terminology.</p> <p>8 Q. Thank you.</p> <p>9 And now we're going to focus on 10 the first sentence of the next page beginning 11 with "Refusal to give such consent."</p> <p>12 Mr. Grill, what steps does the 13 board take to ensure it doesn't discriminate 14 against sublease applicants?</p> <p>15 A. We don't discriminate against 16 anybody.</p> <p>17 Q. What proactive steps does the 18 board take to make sure that you don't 19 discriminate?</p> <p>20 MR. MARGOLIS: Objection.</p> <p>21 A. I live my life not discriminating, 22 so I don't need to take additional steps as a 23 board member to ensure that I'm not going to be 24 discriminating. I don't discriminate based on 25 any of these things. I would be out of business</p>	<p>118</p> <p>120</p> <p>1 MR. CASE: Do you mean other than 2 in the proprietary lease that you're looking at?</p> <p>3 A. That's what I'm -- there it is. I 4 mean --</p> <p>5 Q. This isn't --</p> <p>6 A. It's right there.</p> <p>7 Q. -- proprietary lease. 8 (Reporter clarification.)</p> <p>9 A. It's in black and white, it's 10 right there. "Refusal to give such consent may 11 not be based." It's formalized. We also don't 12 do it, but it's also formalized right there.</p> <p>13 And when we sign on as 14 shareholders, we sign on to the terms and 15 conditions of the operating agreement, of the 16 proprietary leases and of this particular 17 document. Otherwise, you can't come into the 18 building. That's the formal document, right 19 there. Very clear.</p> <p>20 Q. Besides this document, is there 21 any other anti-discrimination policy that you 22 know of, formalized --</p> <p>23 A. Yes. We don't discriminate.</p> <p>24 Q. And that's in writing somewhere 25 else?</p>

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1 A. It may be, it may not be. It 2 doesn't have to be because we agree that we 3 are -- at least I am -- I'm agreeing to the 4 terms and conditions by which I bought into the 5 cooperative; and part of that is this sentence. 6 I also live my life that way.		1 in terms of doing it for and only exclusively on 2 behalf of the board, no. 3 Q. As a board member, have you ever 4 had discussions with other board members about 5 ways to prevent possible discrimination when 6 interviewing applicants?	
7 So, no, I don't need to go to look 8 at a formal piece of one word document that says 9 refusal to give such consent may not be based 10 upon race, color, creed, national origin. One, 11 I've already done that. And, two, then it 12 becomes a question of do you live your life that 13 way. And yes, I live my life that way. So, I 14 don't know what else to tell you. The document 15 speaks for itself, once again.		7 A. We've only had one, so it was 8 never necessary, really, before. But now that 9 you bring it up, sounds like a good idea.	
16 Q. Thank you.		10 MS. TURNER: Okay. John, you can 11 take this document down.	
17 A. And I'm entitled to legal fees and 18 expenses for the cooperative to review a sublet 19 assignment. Oh, that's interesting; I didn't 20 know that.		12 Q. I just have one last question, 13 Mr. Grill. What was your impression of 14 Mr. Brooks at the January 14th, 2020 interview?	
21 Q. So, have you ever reviewed this 22 section of the offering plan before?		15 MR. MARGOLIS: Objection.	
23 A. As I said, when I first moved into 24 the building, I looked over the operating 25 agreement and this document, to make sure it was		16 A. My impression of Mr. Brooks was 17 that he was a professional and a real advocate 18 for his clients, and I appreciated that.	
122		19 MS. TURNER: Okay. Thank you. 20 That's all I have.	
1 not in conflict with the business that I wanted 2 to bring into it, which was a modeling agency. 3 You know, when I came into the 4 building, this building was predominantly 5 manufacturing, light manufacturing. But I 6 wanted to make sure there was nothing in this 7 document, you know, that the building was not 8 allowing us to come for some reason. But after 9 that, no, I never looked at it again until right 10 now.		21 MR. MARGOLIS: I have nothing for 22 the witness. Michael?	
11 Q. Mr. Grill, are board members 12 vetted or interviewed by third parties prior to 13 their nomination and election?		23 MR. CASE: I have nothing. 24 (Deposition concluded 1:06 p.m.)	
14 A. No.		25 -00o-	
15 Q. As a board member, do you -- are 16 you familiar with local, state and federal laws 17 regarding discrimination?			124
18 A. I'm familiar with the laws of 19 discrimination and all the rest, yes.		1 REPORTER'S CERTIFICATION	
20 Q. And just to confirm, you touched 21 on this a little bit, but do board members 22 complete any regular training on 23 anti-discrimination?		2 3 I, NANCY C. BENDISH, Certified	
24 A. I don't know that they do, other 25 than for their own businesses, which we do. But		4 Court Reporter and Notary Public of the States 5 of New York and New Jersey, do hereby certify 6 that, prior to the commencement of the 7 aforementioned examination, JOSEPH M. GRILL was 8 sworn by me to testify the truth, the whole 9 truth and nothing but the truth.	
		10 I DO FURTHER CERTIFY that the 11 foregoing is a true and accurate transcript of 12 the testimony as taken stenographically by and 13 before me at the time, place, and on the date 14 hereinbefore set forth.	
		15 I DO FURTHER CERTIFY that I am 16 neither a relative nor employee nor attorney nor 17 counsel of any party in this action and that I 18 am neither a relative nor employee of such 19 attorney or counsel, and that I am not 20 financially interested in the event nor outcome 21 of this action.	
		22 	
		23 NANCY C. BENDISH, CCR, RMR, CRR Realtime Systems Administrator 24 Certificate No. XI00836	
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